

**BOARD OF SELECTMEN  
JANUARY 2, 2014  
MCAULIFFE HEARING ROOM**

Present: Dan Kolenda, Bill Boland, John Rooney [remotely].

At 6:00 p.m., the Board voted by roll call vote to enter Executive Session to discuss pending litigation.

Boland            aye  
Rooney            aye  
Kolenda           aye

At 6:20 p.m., the Board re-entered open session.

The Board opened their public portion of the meeting to discuss goal setting for the 2014 calendar year.

The following items were considered and debated. The Board will review notes from the staff in a goal-setting chart at their next meeting for final approval and execution.

Public safety complex: site and cost	Review with new chief and new town planner
Evaluate existing buildings incl. Neary	With new FM
Interest in relocating TS for PD on that site	Discuss with next building committee
Budget objective: level service budget required by each department and delivery of services	After Town Meeting, when 5 member board in place
Increase PILOT contributions	Review formula again and go back
Continue with EDC objectives to secure tenants in vacated spaces	increase tax base so it doesn't always hit residents
Investigate tax savings by merging police/fire in one bldg. Other space/staff consolidations?	Re-establish MFC? Review last report & update. Can any buildings be modified?
What savings are there in consolidating Neary	Has committee issued final report?
Find additional sources of revenue	Is it time to cut services to assist others that are more essential
OPEB	Accelerate funding plan
Budget: Show the outcomes of each category funded/what does it give us?	Analyze after Town meeting
CBA's	Level of step increases are out of whack, still consistent with COLA's in early 80's
Town info forum or blog	Source of resident info should come from staff, not media as primary source, more FAQ's
More beautification efforts	Consult with garden club? Adopt a site program? CPA funds?

The board briefly discussed the meals tax but agreed not to consider that at this time.

**WARRANTS [FY14]**

89	\$968,561.74	12/27/13	TOWN PAYABLES
90	\$155,192.19	12/27/13	SCHOOL PAYABLES
91	\$9,912.81	12/27/13	SCHOOL ENC PAYABLES
92	\$48,223.84	12/27/13	SCHOOL PAYABLES
TOTAL	\$119,486.42		
93	\$615,595.52	1/3/14	TOWN PAYABLES
94P	\$572,942.37	12/31/13	SCHOOL PAYROLL
95P	\$267,487.85	12/31/13	TOWN PAYROLL
TOTAL	\$1,456,025.74		

The Board adjourned the meeting at 7:00 p.m.

Submitted by Vanessa D. Hale, Assistant Town Administrator.

**BOARD OF SELECTMEN  
MEETING MINUTES  
January 13, 2014  
MCAULIFFE MEETING ROOM**

Present: Daniel Kolenda, Chairman; Bill Boland, Vice Chairman; John Rooney and Mark Purple, Town Administrator.

Mr. Kolenda opened the meeting at 6:30 p.m.

**Interviews for Police Chief.**

Russell Millholland, Chairman of the Police Chief Search Committee, stated that they had received forty-nine applications and resumes. Thirteen were interviewed and the list was narrowed down to seven who were to receive face-to-face interviews. Of those seven, two were not advanced and two withdrew. The remaining three went to the assessment center and are being interviewed by the Board this evening.

**Richard F. Bates**

Lt. Bates has worked for the Worcester Police Department for 29 years, and currently is an Internal Affairs investigator. He has a BS in Criminal Justice, is a Juris Doctor and has trained at the FBI National Academy in Quantico, VA. He thinks that Southborough is a wonderful community with a great Police Department. He understands budgets through his tenure on the Finance Committee in Holden. He leads by example, believes in the value of other people's opinions, and has good communication skills. His biggest regret is that he did not try to move up the chain of command sooner, and his biggest achievement is the Risk Management Initiative. He feels that his 30 years in Law Enforcement and his combination of community service and education sets him apart from the other candidates. In his opinion the most pressing issues in the Southborough PD are: the period of transition with people retiring, a predominantly male force and a new facility. He sees the department using more technology and social media in five years. The best non-monetary ways to retain officers is training and professional development as well as recognition programs. Some areas where regionalization would benefit the Town are dispatch and lock-up, but he would be hesitant to regionalize personnel. The first thing he would do as Chief would be to get to know the people.

**Sean James**

Lt. James began his career twenty-seven years ago, and has spent the last twelve years of that in Southborough. He has a BS in Law Enforcement and is currently taking graduate courses in Criminal Justice. What separates him from the other candidates is: he has seen what needs work in the department and what works, his ability to lead and his commitment to the community, the department and the Board of Selectmen. He brought the fact that there was no evaluation system to the Chief and a rating system was started, and he created a curriculum for field training and dispatching. His management style is strategic – important to plan, communicate, direct and lead. Although he has high expectations, and expects people to live up to that, he is a mentor rather than a dictator. He would like to survey the community to get feedback to drive programs, start a citizen's academy and improve on how services are delivered. He thinks that the department is understaffed, and a combined safety facility would be more cost effective. He would like to reward officers with professional development, recognition and an annual awards ceremony. He would look for integrity, commitment, dedication, service and life experience in new candidates. He sees the department using more technology in five years, and the first thing he would do if were selected would be to hold a staff meeting.

**Kenneth Paulhus.**

Cpt. Paulhus has spent 23 years in law enforcement and is current the Operations Division Captain for the Woonsocket, RI, Police Department. He has a BA in Criminal Justice. He has a democratic leadership style – lead by example, and employ employees in decision making. If chosen, he feels he will have to earn the trust and respect of the staff. He is excited to get back to a small department, and to get to know the people. He enjoys the responsibilities of being a leader. He has done strategic planning and budgeting. He enjoys mentoring and will interview officers to find out their goals, and will assist any who want to advance. He would like a new facility but understands that cost is a factor. He feels that the department should reflect the diversity of the community. He feels that credibility is earned, that you have to be fair and consistent, and that officers have to know that you care about them as a person. His training, experience and work ethic set him apart from the other candidates. He would like to work with local businesses through community policing. When hiring he would look at a candidates character, integrity, dedication, and education. In five years he sees a whole new group of people coming up, which will mean a change in approach, more community policing, societal changes and social media. He would introduce a personnel evaluation system to recognize those that earn it. He is a very loyal person and, if chosen, will be here to stay. The first thing he would do, if chosen, would be to have private time with his family, and then meet with staff individually.

Meeting adjourned at 9:15 p.m.

Respectfully submitted,  
Mary H. Lowell, Recording Secretary

**BOARD OF SELECTMEN  
JANUARY 16, 2014  
MCAULIFFE HEARING ROOM**

Present: Dan Kolenda, Bill Boland, John Rooney, Mark Purple, Town Administrator.  
The Board opened the meeting at 6:30 p.m.

Appointment of Police Chief: Chairman Kolenda stated the Board has three very qualified candidates, including one internal candidate for Police Chief. He briefly reviewed the qualifications of the candidates. They included Lt. Richard Bates from the Worcester Police Department, Lt. Sean James from the Southborough Police Department and Cpt. Kenneth Paulhus from the Woonsocket, Rhode Island Police Department.

Mr. Kolenda cited Cpt. Paulhus' high level of experience, found him the most impressive of the three and would appoint him.

Mr. Boland stated he echoed most of Mr. Kolenda's sentiments as far as abilities and accomplishments. He felt it important to thank all of the applicants which gave the board a good mix of people to choose from. He also thanked the search committee, the two consultants and the residents that weighed in, noted his appreciation for comments and correspondence on all three. He commented Lt Bates' breadth of resume and credentials is wide. He also stated Capt. Paulhus' many accomplishments, has served in many facets of the department, his excellent experience and decent educational background. Lt James is also very impressive with his time in California and here. He is our first Lieutenant and has climbed up the ranks respectively. Majority of comments are in favor of Lt James and he gives that a lot of consideration. Mr. Boland closed by stating when he weighed everything, he agreed that Cpt. Paulhus' qualifications to help our department is what the town needs at this point.

Mr. Rooney explained his analysis of all the candidates, examining candidate's answers to questions, review of assessment center videos, has reviewed the personnel file and spoken to neighboring departments. He added Lt Bates has tremendous experience but he was not convinced of his passion to be a chief in Southborough. Cpt. Paulhus convinced Mr. Rooney he has an ability to be a police chief with skills in many areas but he was not convinced that those skills could be easily transitioned to serving as chief in a small police department.

He based his support for Lt. James on James' strong past evaluations, Assessment Center performance, and a letter from Northborough's Police Chief Leahy. All board members unanimously agreed they are strong supporters of Lt James and will be after tonight if he is not chosen.

Mr. Boland added when it comes down to it, his job as a selectman is to vote for a person who he feels will best fit what the town needs, and we may look at different things and should not be afraid to look outside the department. Mr. Boland moved to offer position to Captain Paulhus subject to successful negotiations of a contract and all normal examinations. With complete respect and admiration for Lt. James, Mr. Boland and Mr. Kolenda voted in the affirmative; Mr. Rooney voted against the motion.

The Board voted all the consent agenda items except number 2. Citizen petitions cannot be altered.

Warrant reviewed: The Board reviewed proposed warrant articles.

Goals: The board was given the goals chart and will comment and discuss at the next meeting.

TA report: Mr. Purple reported he is working diligently on budget discussions and asked the board for some sense of their financial parameters. They agreed to meet before Feb 11 so the board can provide direction.

WARRANTS [FY14]

102	\$246,206.21	1/24/14	TOWN PAYABLES
103	\$31,451.83	1/24/14	SCHOOL PAYABLES
TOTAL	\$277,658.04		

At 7:40 p.m.: The Board voted unanimously to enter Executive Session to discuss contract negotiations and pending litigation, not to return to open session.

Submitted by Vanessa D Hale, Asst. Town Administrator

**BOARD OF SELECTMEN  
EXECUTIVE SESSION  
JANUARY 16, 2014  
MCAULIFFE HEARING ROOM  
17 COMMON STREET, SOUTHBOROUGH**

Present: Present: Bill Boland, John Rooney, Chairman Daniel Kolenda and Mark Purple, Town Administrator.

The Executive Session began at 7:50 p.m.

**Police Chief Negotiations**

[REDACTED]

The meeting adjourned at 8:05 p.m.

Submitted by Vanessa D. Hale, Asst. Town Administrator

**Documents used in the meeting:**

- None.

**MEETING MINUTES**  
**February 4, 2014**  
**MCAULIFFE MEETING ROOM**

Present: Daniel Kolenda, Chairman; Bill Boland, Vice Chairman; John Rooney and Mark Purple, Town Administrator.

The Board opened the meeting and voted by roll call vote to enter Executive Session – to discuss pending contract negotiations, and to return to open session at the conclusion of Executive Session. Roll Call: Boland, aye; Rooney, aye; Kolenda, aye.

At 6:45 p.m. the Board returned to open session.

FY15 budgets: The Board continued their discussion of the FY15 budget. The Board was informed the current formation of the budget would mean a 2 ¾% tax increase, that there is \$1,000,000 in levy capacity and no one time revenues were being used to balance the FY15 budget as has been the case in years past. Additionally, \$147,500 in health savings were being used to continue to fund the OPEB liability. Mr. Rooney was not in favor of the amount allocated to OPEB. Regarding the regional school budget, the Board was informed the Regional School Committee had not yet voted on their budget but it is expected to be close to a 5% increase. Again, the Board discussed whether the school department could incorporate the Youth and Family Services department who spend the majority of their time in the school department. Budget deliberations will continue on February 25<sup>th</sup>.

The meeting adjourned at 7:10 p.m.

List of documents referred to at 2/11/2014 BOS meeting.

Goals

- Goals spreadsheet

Consent Agenda

- January 13, 2014 meeting minutes
- Letter of Resignation – Warren Palley
- Letter of Resignation – Katelyn Willis
- Letter of Resignation – Donn Pusher
- Letter from Fire Chief dated January 23, 2014

Respectfully submitted,  
Vanessa Hale, Asst Town Administrator.

**BOARD OF SELECTMEN  
FEBRUARY 4, 2014  
EXECUTIVE SESSION  
TOWN ADMINISTRATOR'S OFFICE  
17 COMMON STREET, SOUTHBOROUGH**

Present: Dan Kolenda, Bill Boland, Mark Purple, Town Administrator. Absent: John Rooney. Also present: Ken Paulhus.

The Board voted by Roll Call to enter Executive Session AT 5:00pm to discuss negotiations for a contract with Chief Paulhus.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Mr. Paulhus and the Board agreed to all terms. At 6:30 pm, the Board convened in open session.

Submitted by Vanessa D Hale, Asst. Town Administrator.

Documents used in the meeting:

- None.



**MEETING MINUTES**  
**February 11, 2014**  
**MCAULIFFE MEETING ROOM**

Present: Daniel Kolenda, Chairman; Bill Boland, Vice Chairman; John Rooney and Mark Purple, Town Administrator.

Mr. Kolenda opened the meeting at 6:30 p.m.

Mr. Boland introduced Katelyn Willis, Cable Access Director, to the rest of the Board and to others in attendance.

**FY14/FY15 Goals discussion.** Mr. Purple stated that at a previous meeting the Board had given a sense of their goals for the coming year. There are nine goals, and he added tasks under each of the nine and put them in his order of importance as a guideline. Mr. Rooney handed out a revised list in which he had listed additional items, printed in red in the attached spreadsheet. He feels that with having five members the Board had an opportunity to delegate additional goals. He went on to explain his reasons for each of his additions. There was a discussion on how to get more people involved, especially at Town Meeting, open meeting laws, delivery of services, and cross training of employees. It was decided that Mr. Rooney would work on goals numbered 1, 2, 4, 12 and 15; Mr. Boland on 9, 10 and 13; MR. Kolenda on 5, 7, and 8; and Mr. Purple on 1, 2, 3, 7 and 13. Mr. Purple will clean up the list for the February 25, 2014 meeting.

**Reports**

Chairman, Board of Selectmen

- There was a great article in The Villager about getting involved in your town. Dan said there are positions available, and encourage people to participate.

Town Administrator

- On February 25<sup>th</sup> Brian Ballantine will be meeting with the Board with a recommended budget for FY2015. He and Mr. Purple have already had meetings with Advisory and Dept. Heads.
- With the hiring of the Police Chief, Interim Chief Roy will be leaving next week. Mr. Purple wanted to publicly thank him for everything he has done, and wished him well. Mr. Kolenda seconded that.

Mr. Boland

- Lou Damico, popularly known as “Lou the Cable Guy”, has left Cable Access. Mr. Boland thanked him for everything he has done, and noted that anyone interested in taping meetings should contact Katelyn Willis, Cable Access Director.

**CONSENT AGENDA**

It was voted unanimously to:

1. Approve the minutes of the January 13, 2014 meeting. The minutes of the January 16, 2014 meeting were held for a future meeting.
2. Accept the resignation of Warren K. Pelley from the Cable Television Committee.
3. Accept the resignation of Katelyn S. Willis from the Cable Television Committee.
4. To dissolve the Cable Television Committee.
5. Accept the resignation of Donn L Pusher from the Southborough Emergency Planning Committee.
6. Approve the Southborough Fire/EMS Department applying for a grant from Framingham Union Aid Association, Inc.

7. Approve the contract for Police Chief as presented, and further that we appoint Kenneth M. Paulhus as Administrative Police Chief effective February 12, 2014, and that he be granted the full duties of Chief of Police upon certification by the Municipal Police Training Committee.

WARRANTS [FY14]

95	\$304,759.52	1/10/14	TOWN PAYABLES
TOTAL	\$304,759.52		

96	\$304,759.52	1/10/14	TOWN PAYABLES
TOTAL	\$304,759.52		

97	\$243,721.31	1/17/14	TOWN PAYABLES
98	\$75,607.74	1/17/14	SCHOOL PAYABLES
99	\$192,602.41	1/17/14	SCHOOL PAYABLES
100P	\$560,885.92	1/15/14	SCHOOL PAYABLES
101P	\$275,714.44	1/15/14	TOWN PAYROLL
TOTAL	\$1,348,531.82		

104	\$314,957.00	1/21/14	TOWN PAYABLES
105	\$8,241.09	1/31/14	SCHOOL PAYABLES
106	\$155,192.42	1/31/14	SCHOOL PAYABLES
107P	\$583,456.51	1/29/14	SCHOOL PAYROLL
108P	\$270,791.18	1/29/14	TOWN PAYROLL..
TOTAL	\$1,332,638.20		

109	\$628,948.39	2/7/14	TOWN PAYABLES
110	\$28,160.06	2/7/14	SCHOOL PAYABLES
TOTAL	\$657,108.45		

List of documents referred to at 2/11/2014 BOS meeting.

Goals

- Goals spreadsheet

Consent Agenda

- January 13, 2014 meeting minutes
- Letter of Resignation – Warren Palley
- Letter of Resignation – Katelyn Willis
- Letter of Resignation – Donn Pusher
- Letter from Fire Chief dated January 23, 2014

Meeting adjourned at 8:15 p.m.

Respectfully submitted,  
Mary H. Lowell, Recording Secretary

**BOARD OF SELECTMEN  
MEETING MINUTES  
February 25, 2014  
MCAULIFFE MEETING ROOM**

Present: Daniel Kolenda, Chairman; Bill Boland, Vice Chairman; John Rooney and Mark Purple, Town Administrator.

Mr. Kolenda opened the meeting at 6:45 p.m.

**Pope Shenouda Enterprises III, Inc., d/b/a Eros Gourmet Pizza & Deli, 162 Cordaville Road, Suite 140, Southborough, MA – Restaurant/Wine & Malt Beverages License.** Atty. Tom Truax and Sameh Hanna, Manager, met with the Board. Atty. Truax stated that Mr. Hanna bought the restaurant in July of 2012 and that customers have been requesting beer and wine. The beer will be sold in bottles and the wine in single serve bottles, and will be kept in a one door cooler behind the counter. Mr. Hanna has worked in a liquor store so has experience with carding, and will get recertified in TIPS. His co-worker is TIPS trained. The restaurant seats 20, and 40% of business is sit-down. The business hours will be 10:00 a.m. to 10:00 p.m. Monday through Saturday and noon to 9:00 p.m. Sunday. Mr. Boland said that it is good to assist small businesses. It was voted unanimously to approve the Restaurant/ Wine & Malt Beverage License for Pope Shenouda Enterprises III, Inc., d/b/a Eros Gourmet Pizza & Deli, 162 Cordaville Road, Suite 140, Southborough, MA.

**Dan Guilford, Chair, Southborough Trails Committee – Bay Circuit Trail Permit.** Dan Guilford, Chairman of the Committee, gave a PowerPoint presentation on the trails. There are two primary trails involved, those being the Bay Circuit Trail and the Boroughs Regional Trail. The Bay Circuit Trail goes through 34 towns from Newburyport to Kingston and 1.5 miles of it is in Southborough and there are no sidewalks in a .75 mile of that, so they are looking to reroute that section of the trail. Volunteer labor will be used to maintain the trail, and only fallen and dead trees will be removed – no trees will be cut down. The proposed start of this project is March 29, 2014. The Boroughs Trail is a 30 mile loop that runs through Marlborough, Northborough, Southborough and Westborough. When the full project is completed there will be one continuous loop through all four towns. The majority of the trails exist in Southborough but they need to find a way across the reservoir. The hope is to have the whole loop completed within a year as the Northborough and Westborough sections are done, while Marlborough is way behind. The trails will be used for passive recreation only – meaning that no bikes, horses or motorized vehicles will be allowed on the trails. They will be monitored by the MWRA, and open from dawn to dusk. Some residents felt that the existing trails would be safer if this was approved as more people would use it, while others felt that there would be a risk of break-ins to property that abuts a trail. One resident questioned how emergency personnel would have access since the trail is not wide enough for an emergency vehicle. It was voted unanimously to authorize Mr. Purple to sign the permit pending review by Town Counsel and Mr. Rooney's discussion with the Police Chief.

**Discussion/Update – Barn Hollow open space.** Mr. Rooney said that he felt it was necessary to bring this issue before the Board again to try and get the issue settled, given the letter of recommendation from OSPC. He said that there are five main points, out of nine listed in the letter, and listed them in what he feels is the order of importance and urged both sides of the dispute to come to a compromise. Kevin Giblin, Developer, said that he is unable to follow through on the requirement that he deed 1.5 acres to the Town as he does not own any land in his name – any land he has is in a partnership. He said that he has paid to have structures encroaching on the open space moved, and that he has offered to donate \$5,000.00 to the Planning Board. Frederica Gillespie, of OSPC, said that the 1.5 acre figure did not come from them but from the previous Town Meeting, as OSPC wanted all of the open space as

defined in the subdivision plans. Mr. Rooney would like to see a consensus that satisfies as many groups as possible. One resident of the subdivision has a problem with having to create a Homeowner Association as he doesn't feel that he, and the rest of the subdivision, should be penalized for something that only affects a few. There was a discussion as to whether mowing is allowed on open space property, and the likelihood of setting a precedent if it was allowed in this instance. Mr. Kolenda stated that a compromise was clearly required, and that it was the purview of the Planning Board. He urged the Planning Board, Mr. Giblin and OSPC to meet and come to some kind of compromise.

**FY15 Budget Review.** Mr. Purple said that this was his second budget since becoming Town Administrator, and that there have been turnovers in several departments and the new Department Heads are continuing to strengthen the team. He thanked all those involved in the budget process. Brian Ballantine, Finance Director, said that Advisory had been meeting with the financial team and Department Heads, and that they only had a couple of departments left to meet with. With the proposed budget presented this evening he projects the tax increase to be 2.7%. Mr. Kolenda appreciates the work it took to get to this point, and thinks that it is a good budget. Mr. Boland said that some changes are understandable when trying to fund departments, and feels that funding salaries through fees has gone on too long. There would be a significant reduction in overtime by hiring more police and fire personnel, plus efficiency, but he feels that he needs to look at it closer. Mr. Rooney greatly appreciates the team doing all the work. His concern is not in the way the budget is formulated but in what it will look like in future years. He thinks that, at some point, they are going to have to look outside the box in raising revenue. Mr. Purple stated that they are trying to change things incrementally as change is difficult in town because residents appear to be willing to pay more to keep things the same.

## **Reports.**

### Chairman

- The appointment of Police Chief Paulhus was held at the Senior Center, and it was great to see so many Officers, firefighters and Department Heads there.

### Town Administrator

- The Finance Team is working on the budget and the warrant for the Annual Town Meeting.

## **CONSENT AGENDA**

It was voted unanimously to:

1. Approve the minutes of the February 11, 2014 meeting. The minutes of the January 16, 2014 meeting were held for a future meeting.
2. Appoint Chief Kenneth M. Paulhus as Constable, term to expire June 30, 2014.
3. Appoint Chief Kenneth M. Paulhus as Jail Keeper, term to expire June 30, 2014.
4. Appoint Chief Kenneth M. Paulhus as a member of the Southborough Emergency Planning Committee (SEPC) SARA Title III as Police Department representative – Police Chief and Deputy Emergency Management Director, term indefinite.

### **WARRANTS [FY14]**

111	\$235,587.61	2/14/14	TOWN PAYABLES
112	\$118,687.64	2/14/14	SCHOOL PAYABLES
113P	\$583,888.94	2/12/14	SCHOOL PAYROLL
114P	\$257,094.21	2/12/14	TOWN PAYROLL
TOTAL	\$1,195,258.40		

115	\$2,076,042.62	2/21/14	TOWN PAYABLES
-----	----------------	---------	---------------

TOTAL	\$2,076,042.62		
-------	----------------	--	--

16	\$1,602,351.26	2/28/14	TOWN PAYABLES
117	\$5,012.23	2/28/14	SCHOOL PAYABLES
118	\$7,103.26	2/28/14	CAFETERIA PAYABLES
119	\$127,158.90	2/28/14	SCHOOL PAYABLES
120	\$182,054.57	2/28/14	SCHOOL PAYABLES
121P	\$570,939.90	2/26/14	SCHOOL PAYROLL
122P	\$283,129.42	2/26/14	TOWN PAYROLL
TOTAL	\$2,777,749.44		

List of documents referred to at 2/25/2014 BOS meeting.

License

- Notice of Hearing

Trails

- Memorandum from MWRA dated December 16, 2013

Barn Hollow

- Letter from OSPC dated February 19, 2014

Budget

- Proposed FY2015 budget
- Letter from Town Administrator dated February 20, 2014

Consent Agenda

- Minutes of January 16, 2014 meeting
- Minutes of February 11, 2014 meeting
- Letter from SEMA dated February 15, 2014

At 9:40 p.m. it was voted on roll-call vote (Mr. Boland – aye, Mr. Rooney – aye, Mr. Kolenda – aye) to enter into Executive Session to discuss the discipline of an employee, and not to return to Open Session.

Respectfully submitted,  
Mary H. Lowell, Recording Secretary

**BOARD OF SELECTMEN  
FEBRUARY 25, 2014  
EXECUTIVE SESSION  
MCAULIFFE HEARING ROOM  
17 COMMON STREET, SOUTHBOROUGH**

Present: Daniel Kolenda, Chairman; Bill Boland, Vice Chairman; John Rooney and Mark Purple, Town Administrator. [REDACTED]

At 9:40 p.m. it was voted on roll-call vote (Mr. Boland – aye, Mr. Rooney – aye, Mr. Kolenda – aye) to enter into Executive Session: to consider the discipline of an employee [Exemption 2].

The Board will not to return to Open Session.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Mr. Rooney made a motion to end the Executive Session at 10:20 p.m.; the motion passed unanimously.

Submitted by Mark. J. Purple, Town Administrator

Documents used in this meeting:

- None.

**BOARD OF SELECTMEN  
MEETING MINUTES  
March 11, 2014  
MCAULIFFE MEETING ROOM**

Present: Bill Boland, Vice Chairman; John Rooney and Mark Purple, Town Administrator. Daniel Kolenda was absent.

The Board re-entered Open Session at 8:00 p.m.

**Discussion of Warrant Articles:**

- **Main Street (Articles 26 & 27).** These articles were proposed by David Parry. Mr. Purple read the articles into record at Mr. Parry's request. Mr. Parry feels that the only reason the Main Street reconstruction plan was approved was to get \$5 million in State funding. He thinks that the Town can come up with a smaller scope of work for much less money, and that the plan that is on the website is not the one that was approved but, rather, one that has significant changes. He states that this plan straightens out the roadway much more than the other. He would like a committee created to review the plan. He asked that Mr. Purple read a letter from St. Mark's School into the record, which he did. Mr. Rooney would like to see an overlay of the existing roadway with the plan to see how it will change before he can vote, and reminded everyone that the State will be having a hearing at the end of April. Karen Galligan, DPW Superintendent, said that the road width is not changing, except at Sears Road, and that she doesn't know how the April 30<sup>th</sup> date is affected by having a review committee. She also stated that there is an overlay available on the website, and that road shoulders are needed for the safety of walkers, bicyclists, etc. Mr. Rooney said that he needs to understand Mr. Parry's concern as it does not look like there is much of a difference between the current road condition and the State plan. Mr. Parry insisted that the curves are straightened out. Ms. Galligan gave a history of the project and said that the whole road will not be dug up as it will be done by the reclaiming process. She also stated that that this has been in the works for six years, that it was voted by the BOS in 2010, and that it is on the 2017 TIP list, and that it will cost about \$3 million to do it locally. Mr. Boland said that this is a Town plan being done with State money, and that it was highly vetted through many hearings. Ms. Galligan said the State would not take favor to a different vote from the BOS. Mr. Boland suggested that people go to a meeting that is being held on April 2<sup>nd</sup>, at the Library, as there is a lot of misinformation out there. Dan Donahue suggested that a video be created to show the actual roadway and where any changes will take place. Brian Shea, of Advisory, asked if it was true that the \$15,000 would not cover the full cost of the review. Mr. Parry responded that he was correct, and that the rest would be raised by private donation. Mr. Shea stated that this would drag it out much longer and asked if the Public Works Committee could do the review. Mr. Boland answered that they were involved in the process the first time.
- **Town Clerk (Article 20).** Discussion was deferred as Mr. Berry was not available.
- **Advisory Committee (Article 21 – reporting structure of some department heads).** Janet Maney, Advisory Committee, stated that the other Department Heads report to the Town Administrator and that the DPW Superintendent, Police Chief and Fire Chief should too. They tried to do it by by-law but found that it could not be done that way. Mr. Rooney said that we are slowly gravitating to a Town Manager and asked why this had not come up before. Ms. Maney responded that it has been going on for a while. Mr. Boland said that if we are going to do it, then let's do it, but not keep picking one or two departments and leaving others hanging.

- **Planning Board.** The Board was informed that Town Counsel had said that the “undergrounding” article could be sponsored by the Planning Board, BOS, or both. Mr. Rooney said that he could not sponsor something he knew nothing about. Mr. Boland explained the history of the possible undergrounding of utilities in the area of the Main Street reconstruction. Paul Cimino asked who had asked for the article as they had not voted on it. Mr. Purple responded that it was put in as a Planning Board placeholder. Ms. Galligan said that they had tried this several times, and that it kept getting pulled. She would like to see a definitive vote on this. When asked by Mr. Boland how they felt about the article, the Planning Board members said that they did not need it. It was voted to not sponsor the article.
- **Barn Hollow Open Space article.** Kevin Giblin sent a letter requesting that the article be removed as he was planning on submitting a modification of the subdivision. Don Morris, Planning Board, suggested that the article be left on the warrant to allow Mr. Giblin to explain his modification. Mr. Boland would like to see it left on the warrant, and Mr. Rooney said that he cannot bring the article forward as his attempt at compromise failed. The article will be left on the warrant as support from the Board was tied.

**Road Layout Hearing – Maple Street Extension.** The hearing was continued until March 25, 2014, as the layout still has not been marked due to the weather.

#### **Appointment of Conservation Commission member.**

- **Michele Simoneaux.** Ms. Simoneaux has a BS in Environmental Studies, an MS in Conservation Biology and is currently in the process of obtaining Professional Wetland Scientist Certification. She has worked as Conservation Agent for the Town of Norwell, Assistant Conservation Officer for the Town of Hingham and, most recently, as Conservation Commission member and Open Space Committee Chair for the Town of Norton before moving to Southborough about a year ago.
- **Benjamin Smith.** Mr. Smith has a BS in Civil Engineering and a MBA. He has worked for various communities as a peer review consultant in the areas of Planning, Conservation and Zoning, and as Acting Town Engineer for the Town of Wakefield.

Both Mr. Boland and Mr. Rooney feel that both candidates are highly qualified but are inclined to go with the recommendation of the Conservation Commission. It was voted to appoint Michele Simoneaux to the Conservation Commission, term to expire June 30, 2015.

#### **Reports.**

Town Administrator

- Suggested that a date be set for the first meeting of April. It was set for April 8.

### **CONSENT AGENDA**

It was voted unanimously to:

1. Approve the minutes of the February 25, 2014 meeting.
2. Hold the appointment of an alternate sexual harassment officer for a future meeting.
3. Approve the FY15 Goals of the Board of Selectmen.
4. Extend the Winter Parking Ban until March 31, 2014.
5. Acknowledge the gift of furniture to the Southborough Library.
6. Sign Chapter 90 reimbursements.



### OTHER BUSINESS

1. It was moved to reopen the warrant for Town Meeting in order to add two articles, and moved to close the warrant.
2. Pre-Town Meeting will be held at the Senior Center at 6:00 p.m. on Tuesday, April 8, 2014.
3. The Finance Director updated the Board on the FY2015 budget.
4. The Annual Town Meeting will be moved from Monday, April 14, 2014 to Wednesday, April 16, 2014 so as not to conflict with the start of Passover.

### WARRANTS [FY14]

123	\$441,791.75	3/7/14	TOWN PAYABLES
TOTAL	\$441,791.75		

124	\$378,849.09	3/14/14	TOWN PAYABLES
125	\$5,981.26	3/14/14	SCHOOL PAYABLES
126	\$166,163.19	3/14/14	SCHOOL PAYABLES
127	\$40,144.74	3/14/14	SCHOOL PAYABLES
128P	\$564,055.63	3/12/14	SCHOOL PAYROLL
129P	\$252,583.39	3/12/14	TOWN PAYROLL
TOTAL	\$1,407,777.30		

### List of documents referred to at 3/11/2014 BOS meeting.

#### Warrant Articles

- Draft copy of articles
- Handout from David Parry

#### Road Layout

- Letter from BOS to Town Clerk dated March 4, 2014
- Notice of Hearing
- Letter from BOS to property owners dated March 4, 2014

#### Appointments

- Memo from Conservation Commission dated February 25, 2014
- Town Volunteer Form and resume – Michele Simoneaux
- Town Volunteer Form and resume – Benjamin Smith

#### Consent Agenda

- Minutes of February 25, 2014 meeting
- Parking Ban Notice

#### Other Business

- Email from Town Moderator dated March 7, 2014

Meeting adjourned at 10:50 p.m.

Respectfully submitted,  
Mary H. Lowell, Recording Secretary

**BOARD OF SELECTMEN  
EXECUTIVE SESSION  
March 11, 2014  
McAuliffe Hearing Room  
17 Common Street, Southborough**

Present: Bill Boland, John Rooney, Mark Purple, Town Administrator.

Also Present: Town Planner Jennifer Burney, Building Inspector Mark Robidoux, and Town Counsel Aldo Cipriano.

The Board of Selectmen voted to enter Executive Session at 6:00 p.m. to discuss strategy with respect to litigation that an open meeting may have a detrimental effect on the litigating position of the public body and the chair so declares.

Boland, aye; Rooney, aye.

The Planning Board and the Zoning Board of Appeals both voted to enter a joint Executive Session. Both boards entered Executive Session by roll call vote.

Gulbankian Litigation/Hye Partnership

A confidential handout was presented to the Boards by Atty. Cipriano which was collected at the end of the session.

Mr. Rooney and Atty. Cipriano summarized a mediation session they attended with the Gulbankian family and their attorney last week to attempt to find a resolution on this issue.

Mediation points discussed included the following:

- Michael Sr, Michael Jr and John Gulbankian participated
- Family will seek to remove bus company and find a new tenant
- Abandonment of Bus company will be within three years [bussing is on a month to month lease]
- Site conditions relaxed while busses are still there [location, noise, monitoring]
- Outstanding fine partially forgiven, compromise on \$12,600 as payment to the town to be termed as a civil assessment [reduced from \$191,000].
- The Board would have to open the town meeting warrant to allow for a citizen's petition to re-zone their property as an Industrial District.
- Stipulate timeframe for the site plan review of the machine shop

Mr. Rooney explained the alternative is to continue to litigate, though trial and appeal, analysis of new theories, lengthy depositions which will be a drain on time and resources. No finalized agreement has been made but they will be here tonight to see if the Board(s) have agreed.

Agreement between all parties require the following:

1. Mediation agreement;
2. Settlement agreement;
3. Agreement for judgment;

4. Payment will be made before town meeting and held in escrow until the successful town meeting vote;
5. Passage of article at annual town meeting to re-zone parcel;
6. Agree to restriction that does not permit bus site, storage, sale, repair, or maintenance of busses. Screening and some hot top may also be requested but Mr. Rooney does not believe the family will agree to additional site requirements.

There was a motion to agree to the terms stipulated by Town Counsel and Selectman Rooney. Motion approved unanimously by the Board of Selectmen, Planning Board and Zoning Board of Appeals by roll call vote.

Boland, aye; Rooney, aye.

At 7:10 p.m., Selectman Rooney and Town Counsel Cipriano met with the family and returned at 7:20 p.m.

The Gulbankian family agreed:

- To make \$12,600 payment tomorrow in escrow.
- Bus use: willing to abandon in one year after submitting site plan review for new use [bus rent is source of income]. Seeking tenant now.
- If Town acts on site plan review quickly, then the busses go as soon as new site receives approval. Site plan review for replacement use will be filed.
- Site plan approval needs to be submitted within one year of the date of the town meeting approval of the citizen petition, but no later than July 1, 2016.
- Busses gone by July 1, 2016.
- Both parties agree to act reciprocally in good faith.
- Agreed by all parties in favor.
- All agreements are contingent upon the citizen petition being approved at the Annual Town Meeting.

The meeting adjourned at 7:45 p.m. and the Board of Selectmen returned to open session.

Respectfully submitted by Vanessa D. Hale, Assistant Town Administrator

Documents used in the meeting:

- Confidential memo from Town Counsel on litigation.

**BOARD OF SELECTMEN  
MEETING MINUTES  
March 25, 2014  
MCAULIFFE MEETING ROOM**

Present: Daniel Kolenda, Chairman; Bill Boland, Vice Chairman; John Rooney and Vanessa Hale, Assistant Town Administrator. Mr. Kolenda and Mr. Purple were absent.

The Board re-entered Open Session at 6:55 p.m.

**Discussion of Warrant Articles for 2014 Annual Town Meeting.** The articles were reviewed and recommendations given. Melvin Kizner, Sam Stivers, William Depietri, Anthony MJ Speranzella, David Parry and James F. Hegarty presented and discussed their articles. It was voted unanimously to support all articles, except the following:

- Articles 16, 20, 21, 23 and 29 – recommendation will be given at Town Meeting.
- Article 24 – voted unanimously not support.
- Article 22 – voted 2-1 (Mr. Rooney – no) to support.
- Articles 25 and 26 – voted unanimously to support, conditional on Town Counsel approval.
- Articles 27 and 28 were deferred to the April 8, 2014 meeting.

**Continued Road Layout Hearing – Maple Street Extension.** Don Morris, Chair of the Planning Board, said that the layout has been inspected and a few small problems have been fixed, the paving has been completed and the outside edge installed. The Planning Board recommends going ahead. It was voted to approve the road layout as read by Mr. Boland.

**CONSENT AGENDA**

It was voted unanimously to:

1. Approve the minutes of the March 11, 2014 minutes.
2. Approve adding a technology fee to the new fee schedule.
3. Accept the updated version of the Town of Southborough Continuity of Operations Plan [CoOP].
4. Appoint Katelyn Willis to the Southborough Emergency Planning Committee [SEPC] SARA TITLE III as Media & Cable Representative, term indefinite.
5. Approve a care package drive for May 17, 2014 and May 18, 2014 at the Senior Center.

**OTHER BUSINESS**

1. It was voted unanimously to sign the Annual Town Meeting Warrant.

**WARRANTS [FY14]**

130	\$143,880.22	3/21/14	TOWN PAYABLES
131	\$3,774.56	3/21/14	SCHOOL PAYABLES
132	\$52,527.77	3/21/14	SCHOOL PAYABLES
133	\$278.90	3/21/14	SCHOOL ENC. PAYABLES
134	\$3,274.35	3/21/14	SCHOOL ENC. PAYABLES
135	\$426.20	3/21/14	SCHOOL ENC. PAYABLES
TOTAL	\$204,162.00		

136	\$595,804.73	3/28/14	TOWN PAYABLES
-----	--------------	---------	---------------

137	\$52,383.04	3/28/14	SCHOOL PAYABLES
138P	\$572,768.69	3/26/14	SCHOOL PAYROLL
139P	\$275,234.77	3/26/14	TOWN PAYROLL
TOTAL	\$1,496,191.23		

List of documents referred to at 3/25/2014 BOS meeting.

Warrant Articles

- Draft copy of Warrant

Road layout

- Notice of Hearing

Consent Agenda

- March 11, 2014 minutes
- Memo from Town Planner dated March 21, 2014 re: Permit Tracking Software
- Letter from SEMA dated March 13, 2014 re: [CoOP]
- Letter from SEMA dated February 24, 2014 re: appointment of Katelyn Willis
- Email from Lisa Braccio dated March 17, 2014 re: care package drive

Meeting adjourned at 11:10 p.m.

Respectfully submitted,

Mary H. Lowell, Recording Secretary

**EXECUTIVE SESSION  
BOARD OF SELECTMEN  
MARCH 25 2014  
MCAULIFFE MEETING ROOM  
17 COMMON STREET, SOUTHBOROUGH**

PRESENT: Dan Kolenda, Bill Boland, John Rooney, Vanessa Hale, Assistant Town Administrator. Also present: Town Counsel Aldo Cipriano, Don Morris, Planning Board, Lee Bartolini, Zoning Board of Appeals.

The Board voted at 6:00 p.m. by roll call vote to enter Executive Session to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares.

Boland, aye; Rooney, aye; Kolenda, aye.

**Hye Partnership Settlement Agreement**

Atty. Cipriano reviewed the agreement between the Town and the Gulbankian family. Agreement is consistent with global meaning of all town boards and building inspector. He summarized the document which stipulates the following:

- Conclusion of bus use within 2 yrs from date of town meeting, site plan submitted in one year
- Need site plan for any new use
- Civil assessment ends or settles all litigation
- The family wants it known that they are not admitting to any zoning violation
- If the Town receives a criminal complaint in the future, working to resolve a zoning issue-then we will call it a civil assessment as it is presently being referred to
- If the article requesting a zoning change for this parcel fails at the 2014 annual town meeting, the agreement is null and void
- Agreement is waiting approval of the court and it cannot be released; it is the board's hope to have a public document by the next meeting – details of which cannot be released
- Should the board issue a public statement which Aldo and Atty Mathavia will discuss releasing tomorrow – “the parties have agreed to resolve all litigation, a summary of which will be released later this week”
- Ask their attorney to make sure they have had contact with the interested neighbors

The meeting adjourned at 6:45 p.m. and the Board re-convened in open session.

Submitted by Vanessa D. Hale, Assistant Town Administrator

Documents used in the meeting:

- Hye Partnership settlement agreement.

<p style="text-align: center;"><b>BOARD OF SELECTMEN</b> <b>April 8, 2014</b> <b>MCAULIFFE HEARING ROOM</b></p>
---

Present: Bill Boland, John Rooney. Dan Kolenda was absent. Town Administrator Mark Purple was present.

**Ambulance Fees:** Chief Mauro asked that the Board escalate ambulance fees to cover the cost of the ambulance service. He noted area costs are charging Medicare rates plus 200% and private ambulance rates are as high. Residents that have a financial burden can appeal to a hardship fund for assistance if they meet criteria for an exemption. Anyone 65 or older would not be billed above the Medicare rate. Chief Mauro asked for Medicare plus 150%. Mr. Rooney asked what segment of residents would not have insurance to cover such costs; Mr. Boland suggested raising the rates to Medicare plus 200% which is similar to other towns and many private services. The Board ultimately unanimously approved a request for Medicare plus 150%.

#### **Legislative Update**

The Board met with Senator Eldridge and Representative Dykema for a status report on pending legislation and state funding.

- H3822 assists municipal regionalization efforts, adding local options for joint powers.
- S2021 drinking water and wastewater infrastructure.
- S2033 transportation bond bill of \$300 million in Chapter 90 funding.
- Local aid resolution is slightly better than the governor's budget, increase in CH 70 money over last year.
- The circuit breaker reimbursement was fully funded.
- Senior center funding - to be used by staff discretion.
- Public safety bill for an increase in the death payment for public safety officials killed in the line of duty.
- Valor Act increases the penalty for military funerals disruptions and concerns around veterans' charities who may not be legit.
- Two local bills passed this year to create a 5 member board of selectmen and the ability to allow the town administrator to sign weekly warrants and payables.
- House budget will be released this week and the families who are being housed in motels should see additional funding to get those kids back to their home school districts.
- 9/90/495 intersection: results of recent study out. A working group has been established to make sure those improvements move forward in a way that makes sense for the region.

#### **Main Street – continued discussion**

Mr. Rooney recognized Mr. Parry and all his efforts which have highlighted many concerns for all town residents. He also stated that some feel the residents were not allowed a chance for citizen participation. Mr. Rooney has reviewed records as far back as 2008. At one point, there was consensus on a plan that was very similar to the current plan. Support for this plan was led by many of the same people who complained there was a lack of citizen participation now.

Question is whether the existing plan can meet town concerns and meet 25% design. Mr. Rooney thinks the passage of the Parry articles will cost the town all state funding, and further that the Selectmen should form a committee immediately that reports to the BOS in advance of the June hearing date. Such a committee should review all comments as they exist. As well, they should step back and understand where we have been. Need a fresh look to work with the most impacted residents.

He made a motion that the Board agree to form a committee [of no more than 7 people], ask residents to submit letters of interest that could get to work immediately, meet once a week until mid June, have public hearings and review docs and make a recommendation as to moving forward with a 25% plan inclusive of state funding.

Mr. Rooney stipulated he is not proposing this committee to subvert Parry's citizen petition. He asks for this because it's a time sensitive issue and the hearing scheduled for June could not be postponed until October of 2014. He re-stated there was consensus in 2008 and we need to try to regain that. Mr. Boland does not agree with a new committee right now, but would not be opposed to the formation of a working group. Presently many of those same people, who supported the project in 2008, are very dissatisfied with the design. Specifically the entire Board of Selectmen voted to approve the plan 3-0 in 2008. He takes issue with all the people that now are unhappy when the plan was supported in 2008 [and the design has not been changed dramatically].

Mrs. Phaneuf spoke and recognized that she made those decisions in 2008. She also believes the town is losing sight of the impact of the project, and that an Ad hoc committee should work with DPW to look at today's plan and have them sit down with public works and public safety staff.

Mr. Parry told the Board no one thought the impact would be this big, and that's why they are coming out now. He felt the alternatives were only within the state funding. Mr. Boland said there were alternatives [between the intersection and Latisquama Road] presented but the state did not approve them. He further stated to Mr. Parry that in 2008 he was in favor of the design, but now is not, and asked why he [Parry] will not admit that he approved of this plan in 2008. Both parties agreed they would not reach consensus.

Mr. Parry wanted the record to show that when you [the Board] had review meetings and no residents showed up, it inferred there were no complaints – west of the common – now they do have issues.

Mr. Phillips told the Board he has been attending meetings since 2006 and that his personal opinion has been that to take TIP funding would be a mistake. Discussion has always been in the context of obtaining TIP funding and that some residents would forego parking for a better roadway. He noted the compromise plan included parking and the State rejected that plan. Personally he feels the goal has been to find a town wide solution, not just a neighborhood one. Mr. Rooney commented that if it's a town only funded plan, we will all want sidewalks and turning lanes. So how different will the two plans be?

Mr. Boland has reservations on adding folks to a working group who have stated they do not want the project.



Ms. Galligan spoke about the most recent hearing and confirmed that she will be checking health of trees and will update traffic counts [VHB using 2009 data], including Madison Place and the new Primary School at Fay School.

**CONSENT AGENDA-Approved**

1. Approve minutes from: January 2, 2014 & March 25, 2014.
2. Nominate Mr. Leslie E. Boardman as Inspector of Animals.
3. Accept donations of \$270.00 to be allocated to Youth and Family Services.
4. Accept donation of \$50.00 to be allocated to the Library.

**OTHER BUSINESS-Approved**

1. Town Meeting Warrant – positions on warrant articles, review of motions.
2. Request from David Parry for a copy of the CAD file for the Main Street project.
  - The Board's position is that contractually the town cannot release the file [it is not now in Town's possession], it is VHB property. VHB would have to be indemnified for the use of that file; only town meeting can indemnify. The Board voted unanimously not to support Mr. Parry's request.

**Statements of Support/Town Meeting articles:**

- Article 22: Mr. Rooney still wants to see final language and opinion on this matter
- Art 16 and Site Plan review: still some uncertainty, discuss at town meeting
- Department donations: Town Counsel says it is not in legal form, Board will not support
- Liquor licenses: Board will support
- Main St: oppose both 27 & 28
- 9/11 field: discuss at town meeting

Mark acknowledged the hard work of Susan Fitzgerald, Bill Boland, Sarah Cassell and Maureen Colleary who reviewed drawings of local schoolchildren adorning this year's town report.

**WARRANTS [FY14]**

140	\$356,111.69	4/24/14	TOWN PAYABLES
TOTAL	\$356,111.69		

141	\$428,274.35	4/11/14	TOWN PAYABLES
142P	\$571,216.58	4/9/14	SCHOOL PAYROLL
143P	\$232,698.59	4/9/14	TOWN PAYROLL
TOTAL	\$1,232,189.52		

List of documents referred to at 4/8/2014 BOS meeting.

**Town Meeting Preparation**

- Annual Town Meeting Record

**Ambulance Fees**

- Letter from Chief Mauro dated March 19, 2014
- 2014 ambulance rates chart
- Selectmen's agenda and minutes – January 24, 2006
- Selectmen's agenda and minutes – March 2, 2010

- Selectmen's agenda – March 9, 2010
- Selectmen's agenda – February 14, 2012

Consent Agenda

- January 2, 2013 minutes
- March 25, 2014 minutes
- Letter from Commonwealth of MA Dept. of Agricultural & Resources dated March 18, 2014
- Letter from Laurie Sugarman-Whittier, Director dated March 24, 2014
- Memo from Kimberley Ivers, Interim Library Director dated March 24, 2014

The meeting adjourned at 9:10 p.m.

Submitted by Vanessa D. Hale, Asst. Town Administrator.

<p style="text-align: center;"><b>BOARD OF SELECTMEN</b> <b>April 16, 2014</b> <b>Trottier Middle School, 49 Parkerville Road, Southborough</b></p>
---

Present: Bill Boland, John Rooney, Dan Kolenda, Town Administrator Mark Purple, Town Counsel Aldo Cipriano.

The Board met for last minute preparations for the Annual Town Meeting and discussed the following items.

Article 16 [Barn Hollow]: Mr. Rooney did not support this article in its current format, without details of the covenant of acreage in the back of the lots. The Board was then informed the Planning Board had voted to postpone this article.

Article 21 [Town Clerk position]: Mr. Boland still supports this as an elected position. The Board voted to support this article 2-1.

Article 22: The Board supported the concept, but not the current language.

The Board voted to support the Planning Board budget at \$135,000.

The meeting adjourned at 6:45 p.m.

Submitted by Vanessa D. Hale, Asst. Town Administrator.

BOARD OF SELECTMEN  
MEETING MINUTES  
APRIL 29, 2014  
MCAULIFFE HEARING ROOM

Present: Daniel Kolenda, Chairman, Bill Boland, Vice-Chairman, John Rooney and Mark Purple, Town Administrator.

Liquor License: Yama Fuji, Inc., d/b/a Yama Fuji, 162 Cordaville Road, Southborough, MA – Restaurant/All Alcoholic Beverages License and Common Victualler License. This is an eat in and take out restaurant. He also owns a restaurant in Medway, Mass which is larger. They will serve food from 11 a.m. – 10:30 p.m. and 11 a.m. - 11 p.m. on weekends. He will be an on-site manager but may hire an additional manager in the future. He is TIP certified. Mr. Boland's concern is that it's a small setting and does not want to see patrons just drinking there without eating. The Board voted unanimously to grant this license.

Capital Group Properties - Earth Removal Permit for Park Central site, 0 Turnpike Road, Southborough MA – THE DEVELOPER ASKED FOR A POSTPONEMENT OF THIS HEARING. [This will be continued to May 20, 2014 at 6:15 p.m.] Mr. Stivers asked why trucks have been entering the property prior to a hearing and license, and why has it not been enforced if work was being done without a permit.

St. Mark's School – replacement of existing science building project

Robert Meyer reviewed an upcoming project at St. Mark's. It would be a STEM building [science, technology, engineering, math] as a way to refine their academic curriculum. They will take down an existing building and re-build on the same plot, as well as perform renovations to a connecting wing. Age of current building is 25 years old, which they hope to begin this Summer. They will be seeking permits from Conservation Commission and the Planning Board, and have met informally with the Building Inspector. Mr. Boland questioned whether any portion of the existing building involved was historic. Consigli Construction will develop a construction traffic plan.

Historical Commission: The Commission was asked to support a request for the National Register Plaque for South Union School.

Committee members also discussed a house sign program which would enable homes built pre-WWII to have a historical sign affixed to it, or would recognize a period of style, distinctive characteristics, or a place where a historical event occurred. The Commission provided written criteria for this new program. Petitioners will be required to meet at least two listed criteria.

**Reports**

Chairman, Board of Selectmen: Mr. Kolenda commended all those who came out to attend town meeting and briefly discussed initiatives to garner more attendees. Mr. Rooney is quite interested in investigating internet based voting.

Town Administrator Report: Mr. Purple reported on an economic development bill at the state legislature; an initiative to allow home rule for the number of liquor licenses per community, versus requiring seeking state legislative approval; \$30 million in pothole money is in addition to the Governor's budgeted number. On the goal of better communication, Mr. Purple is discussing a cable television program with the new cable access director. He also hopes to launch an on line blog.

### **CONSENT AGENDA**

The Board approved the following items unanimously:

1. Approve minutes from December 23, 2013, April 16, 2014. Table April 8<sup>th</sup>.
2. Appoint John H. Wilson, 4 Middle Road, Southborough, MA as Veterans' Agent and Burial Agent, term to expire April 30, 2015.
3. Accept donation of \$100.00 to be allocated to the ambulance donation account.
4. Appoint Jesse E. Beaham, 11 Cherry Street, Apt. #2, Southborough, MA as Community Gardens Co-Coordinator, term to expire June 30, 2014.
5. Request from Cystic Fibrosis Foundation, to access town roads for the annual 2014 CF Cycle for Life Bicycle Tour on Saturday, October 11, 2014.
6. Approval of petition to legislature for two all alcoholic licenses above quota.
7. Approve and sign the Annual Storm Water Report.
8. Approve and sign the State Contract for Pothole Repair.

Senior Tax Work Off policy: Pam LeFrancois, COA Director, reviewed a new policy the Board was asked to adopt. The program has been in place for many years but a policy had never been documented. There are 30 slots which are 125 hours each year. The Board unanimously approved the policy.

<b>OTHER BUSINESS</b>
-----------------------

Main Street Design Working Group: The Board discussed what persons they all agreed on appointing to this new committee. Laura Watkins told the Board she would like to attend the meetings as an observer. She was informed they are all open meeting and was encouraged to attend.

Mr. Rooney also voted for Jackson, Meyer and Healey. He noted Ms. Jackson lives on the other side of the intersection, directly on Main Street. Mr. Boland voted for Mr. Morris since he owns two properties on Main near Rt 85. Mr. Kolenda spoke highly of Ms. Reynolds, and Martin who just returned home to Southborough. Mr. Rooney's objective for the committee is to address where there is agreement. He does not know where some, like Reynolds, come from on the issue.

The Board voted unanimously to appoint: Susan Baust, Martin Healey, John Boland, John Wilson, Brian Shea, Claire Reynolds, and Steve Phillips, for a term to expire June 30, 2015.

List of documents referred to at 4/29/2014 BOS meeting.

Liquor License

- Notice of hearing
- Floor plan
- Common Victualler application
- Hours of operation

Capital Group Properties

- Letters from Capital Group Properties dated February 11, 2014 and March 7, 2014
- Memo from DPW Staff Engineer dated February 28, 2014
- Maps of proposed soil stockpile areas of Park Central

St. Mark's School

- Email/letter from Director of Finance and Business Operations dated April 22, 2014

Historical Commission

- Letter from Kate Matison dated April 3, 2014
- Letter from Secretary of Mass. Historical Commission dated March 23, 2011
- Certificate of National Register of Historical Places – South Union School
- Forms for National Register plaques

#### Consent Agenda

- December 23, 2013 minutes
- April 8, 2014 minutes
- April 16, 2014 minutes
- Letter from Fire Chief dated February 22, 2014
- Memo from Conservation Commission dated April 8, 2014
- Volunteer form from Jesse Beaham
- Letter and route from Cycle for Life dated April 9, 2014
- Memos from Police and Fire Chiefs
- Draft of Senior Property Tax Work Program Policy

Respectfully submitted by Vanessa D. Hale, Asst. Town Administrator

**BOARD OF SELECTMEN  
MEETING MINUTES  
May 13, 2014  
MCAULIFFE MEETING ROOM**

Present: Daniel Kolenda, Bill Boland, John Rooney, Paul Cimino, Bonnie Phaneuf and Mark Purple, Town Administrator.

Mr. Kolenda opened the meeting at 7:00 p.m.

**Re-organization of the Board of Selectmen.** On a 3-2 vote (Mr. Cimino and Mrs. Phaneuf voted for Mr. Rooney) Mr. Boland was voted Chairman. Mr. Rooney was unanimously voted as Vice-Chairman.

**Verizon New England Inc. and Massachusetts Electric Company [NGRID] pole hearing – Parkerville Road.** Thomas Baicharz represented Verizon. Mrs. Phaneuf abstained from the discussion as her son shares a driveway with one of the abutters. Mr. Baicharz stated that there are low hanging service wires on the current pole and moving the pole would resolve that issue. Mr. Cimino asked why they couldn't string the wires tighter and was told that there are 6 wires involved. On being asked if there are set standards for removing poles, Mr. Baicharz responded that they have to wait for the other companies to remove the wires and then the last company removes the pole – usually Verizon. A resident asked if any trees would be cut down, and Mr. Baicharz responded that he did not know of any but would follow up on that. Leo Bartolini asked when the pole on Oak Hill Road would be removed. Mr. Baicharz will check on it. It was voted 4-0 (Mrs. Phaneuf abstained) to approve according to the enclosure in the packet.

Mr. Cimino asked why the Board held their meetings, and the Town House stayed open late on Tuesdays when employees had a regular work day on Wednesday, instead of Thursday when Friday was a short work day. Mr. Kolenda didn't know how that would affect other Board meeting schedules. Mr. Boland said that the Town House staying open later was not because of the Board meetings. Mrs. Phaneuf stated that all employees were involved in the decision to stay open later. Mr. Purple will survey employees.

### **Reports**

Town Administrator

- Mr. Purple advised Mr. Cimino and Mrs. Phaneuf that there is a New Officials Finance Forum being held by the Division of Local Services on June 5, 2014, in Worcester.
- The MSA is holding a training session for new Selectmen on June 7, 2014, in Wrentham.
- Invitation received from Steve Whynot and John Wilson to attend the Memorial Day observances.
- Stanley Zarilli will be receiving his Eagle Scout award, and a Board member usually attends to present a proclamation. The Board will let Mr. Purple know who will attend.

Mr. Rooney

- There is an Eagle Scout celebration on Sunday for Mr. Cimino's son.
- Proposed that all Board members get the same information at the same time. If one has a conversation with Mr. Purple etc. then the rest get a memo notifying them.

Mrs. Phaneuf

- Would like a status report on major projects and where they stand.

Mr. Kolenda

- The final troop care package drive is this weekend at the Senior Center.

### **CONSENT AGENDA**

1. It was voted 3-0 to approve the minutes of the January 16, 2014 and February 4, 2014 meetings. Mr. Cimino and Mrs. Phaneuf abstained as they were not at the meetings. Approval of the April 8, 2014 minutes were held to a future meeting.
2. It was voted 3-0 to approve the minutes of the February 4, 2014 Executive Session. Mr. Cimino and Mrs. Phaneuf abstained as they were not at the meeting.
3. It was voted unanimously to approve the request of the American Cancer Society to access town roads for the annual Bicycles Battling Cancer event on Sunday, June 8, 2014.

#### **OTHER BUSINESS**

1. The Earth Removal Permit hearing has been continued to June 3, 2014, on recommendation of Town Counsel. Mr. Boland didn't think it required a hearing but Town Counsel had advised Mr. Purple that it does, due to the amount of earth being removed.
2. Proposed Cemetery lay-off/resolutions. Mr. Boland opened the discussion y stating that he believes they are doing what was proposed in October due to regionalization. Mr. Purple explained that the process started back in October as part of the budget process. Privatization of the cemetery and maintenance was proposed with the understanding that it could mean the layoff of one employee. They continued to get feedback during the budget process, including the possibility of an employee retiring, which would mean there would be no lay-off. They were notified that the employee would not be retiring prior to July 1, 2014, so the lay-off became real. Mr. Purple is continuing to negotiate with the union to prevent the lay-off. Mr. Rooney feels that there was a communication problem as he was unaware that there was going to be a layoff as a result of the privatization of the cemetery. He also was unaware that a letter was sent to the DPW Union the day before town meeting advising the Union of the possibility of a lay off. He feels that they need to find a way to assimilate the employee back onto the payroll. He feels that there is a problem with the history and the way it was handled. Mr. Kolenda would like to know and understand the chronology. Karen Galligan, DPW Superintendent, said that once the union was notified they asked if there was a way to bridge the gap between the start of the fiscal year and when the employee retires. Ms. Galligan said that she does not have a definite date of when the vacancy will happen but that she assured the union that she would do her best to bridge the gap from the summer jobs salaries account. Mr. Rooney doesn't think that future budgets should be prepared based upon the contingency of a retirement. Mrs. Phaneuf asked where the Public Works Planning Board was on this and was told that they did not meet on the budget this year. She would like the DPW Superintendent and the PWPB to review the funding/long term needs of the cemetery. Mr. Boland is not sure that a full-time employee is needed as the cemetery will be served by two highway department employees. Desiree Aselbekian read into the record her letter dated May 13, 2014, **RE: Proposed Cemetery Layoff/Resolutions**. This letter is to officially inform you there are three citizen's petitions circulating our town relative to the Department of Public Works Cemetery Supervisor position. They are as follows: (1) A Citizen's Petition for Special Town Meeting for the purposes of restoring the Cemetery Division Supervisor position and eliminate the privatization of the Cemetery's administration, grounds, and maintenance. (2) A Citizen's Petition to the Board of Selectmen for an Article: This article would restore the funding for the Cemetery Division Supervisor position within the Department of Public Works. (3) A Citizen's Petition to the Board of Selectmen for an Article: This article would eliminate the privatization of the Cemetery administration, grounds and maintenance". Ms. Aselbekian stated that these three citizen's petitions are ready to be filed with the Town Clerk to force a special town meeting on the subject, if the Cemetery Superintendent's position is not reinstated. Several residents spoke in



support of the Cemetery Superintendent and feel that she was treated unfairly. Karen Muggeridge, Advisory Committee member, stated that she has done some research on Advisory's role in this and has found that there is no mention in the minutes of a lay-off. Mrs. Phaneuf suggested continuing the discussion at the June 3, 2014 meeting, and having Mr. Purple report back as to how to fully fund the position. Mr. Rooney would like to know the difference in cost between doing the maintenance work in-house and hiring a contractor.

**Ms. Aselbekian presented the Board with a second letter also dated May 13, 2014, RE: Citizen's Petition relative to the Town Administrator and the Superintendent of Public Works.**  
Received/No discussion on this second letter took place.

3. It was agreed that the next meetings would be held on June 3, June 17, July 15 and August 12, 2014.

**WARRANTS [FY14]**

155	\$1,866,278.78	5/9/14	TOWN PAYABLES
156	\$2,603.32	5/9/14	CAFETERIA PAYABLES
157	\$43,122.87	5/9/14	SCHOOL PAYABLES
158P	\$567,055.04	5/7/14	SCHOOL PAYROLL
159P	\$246,207.15	5/7/14	TOWN PAYROLL
TOTAL	\$2,725,267.16		

160	\$191,520.72	5/16/14	TOWN PAYABLES
161P	\$4,517.85	5/8/14	SPECIAL FIRE PAYROLL
TOTAL			

List of documents referred to at 5/13/2014 BOS meeting.

Pole Hearing

- Letter to abutters
- Petition plan

Consent Agenda

- January 16, 2014 minutes
- February 4, 2014 minutes
- April 8, 2014 minutes
- Email from ACS dated May 8, 2014

Other Business

- Letter #1 from Desiree Aselbekian dated May 13, 2014 **RE: Proposed Cemetery Layoff/Resolutions**

Meeting adjourned at 9:10 p.m.

Respectfully submitted,  
Mary H. Lowell, Recording Secretary

**BOARD OF SELECTMEN  
EXECUTIVE SESSION  
JUNE 3, 2014  
MECAULIFFE HEARING ROOM  
17 COMMON STREET, SOUTHBOROUGH**

Present: Bill Boland, Dan Kolenda, John Rooney, Paul Cimino, Bonnie Phaneuf.

Town Counsel Aldo Cipriano, Special Counsel Jay Talerma, Town Administrator Mark Purple.

Mr. Boland called the meeting to order at 8:30pm.

**Northborough-Southborough Litigation**

Judgment received. Judge did not set number or how it should be calculated. Question is the measuring date which is unclear. Interest has also been added, upwards of \$500,000 in interest. Hearing was held and decision was no interest. With no appeals, the worst case amount may be \$1.69 million. No response from Kopleman and Paige who represent Northborough as to how to move forward on the judgment.

[REDACTED]. Northborough rejected, in the past, splitting the difference. Their counsel has indicated chance of talking to the town to slim down the judgment and move the school district forward. Atty. Talerma will re-visit splitting the difference which is where negotiations left off. Then the judge invited briefs on the interest and the two-town negotiations stopped. The town still has the option of filing an appeal. The payment would be whatever is remaining on the bond. Judgment is to be entered within the next two weeks.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Adjourn 9:50 pm.

Respectfully submitted,

Vanessa Hale, Asst. Town Administrator

Documents used in the meeting:

- None.

**BOARD OF SELECTMEN  
MEETING MINUTES  
June 3, 2014  
MCAULIFFE MEETING ROOM**

Present: Bill Boland, Chairman; John Rooney, Vice Chairman; Daniel Kolenda, Paul Cimino, Bonnie Phaneuf, and Mark Purple, Town Administrator.

Mr. Boland opened the meeting at 6:30 p.m.

**Continued discussion of cemetery reorganization.** Mr. Rooney discussed the timeline he prepared and stated that after his review of all of the documents he was convinced that there was a definitional problem of what “privatizing” meant; some understood it to mean outsourcing the grounds maintenance whereas others understood it also to include a lay-off. He also believed that there was no intent to mislead or deception involved, but rather the problem was the failure to have full discussion on the operations and what privatizing meant. He stated that the Cemetery Superintendent has been on leave since May, and that money is available in the budget to restore the position. The employee is in discussion with the union regarding minor changes to the job description. Mrs. Phaneuf thanked Mr. Rooney for his documentation and said that the goal of the Board is to get the employee back in the position, at the same grade, on July 1. Mr. Cimino said that from now on all involved (DPW Superintendent, Town Administrator and the Board) need to be very clear in their communication about the implications of budget recommendations. Mr. Kolenda thanked Mr. Rooney and said that the focus was always on maintenance. He said that there are minor and necessary changes to the job description, with no additional cost to the tax payers. A motion was made and seconded to instruct the DPW Superintendent to continue negotiations with the employee and the union to achieve the restoration of the position. John Butler, of the Advisory Committee, asked whether the Special Act as pertains to the DPW Superintendent had been superseded in any way, because otherwise taking no action would have the same effect as the motion. Mr. Cimino said that Mr. Butler was correct, but noted that lack of action sometimes gets misinterpreted, so the Board wants to be clear by taking a vote. The motion was voted unanimously.

Mr. Rooney initiated discussion of a Citizen’s Petition for a Vote of No Confidence in the DPW Superintendent and Town Administrator that was circulated by Desiree Aselbekian and signed by two hundred residents. Ms. Aselbekian gave the petition to the Board after adjournment of their last meeting. Mr. Rooney stated that the issue should be discussed in public. He began by noting that the Town has one of the nicest cemeteries in the State, and we are fortunate to have two great employees in the DPW Superintendent and the Town Administrator. He would not vote in favor of “No Confidence”, and when residents have concerns the Board needs to address it. At the same time, he indicated that it is not fair to two new Board members to be put in the position of having to vote on such an issue when they have no direct experience with the issues. Mr. Cimino said that the petition process is not perfect but it’s what it is, and if two hundred residents put their names to any petition they should have time before the Board, and that it was counterproductive to forestall such an effort by refusing to post it to the agenda. Mr. Kolenda said that there has been no stonewalling as the letter was provided to them two weeks ago, and this is the next meeting. He stated that the Board gave Mr. Purple a very comprehensive review and all three Board members at the time were very happy with it. He said that no one is perfect, and that he does not support the petition. Mrs. Phaneuf said that she was unaware of the letter as it was handed out after the end of the last meeting. She stated that she would not vote on this as she has no background on what was stated in the letter. Mr. Rooney said that the petition asked for a vote of “no confidence” and he stated that he would not vote for that. Mr.

Boland said that since they were discussing a letter from Ms. Aselbekian they should let her clarify. Mr. Cimino said that he was not aware of any circumstances in which he would support a vote of no confidence. Ms. Aselbekian said that she was disappointed that she had heard nothing back from Mr. Boland, and when she questioned him he said that he would not put the petition on the meeting agenda. She thanked Mr. Rooney for bringing it up. Mr. Rooney said he and Mr. Boland spoke during the last week and if Mr. Boland misinterpreted what he said as not wanting to discuss the letter, then he takes responsibility for that. He told Ms. Aselbekian that her concerns had been heard and that he was not in support. Irene Tibert said that the Board had brought this on themselves. Leo Bartolini said that he would like to hear the position of the rest of the Board. Mrs. Phaneuf said that she was not polled by Mr. Boland but had spoken with Mr. Purple and told him that it was in the hands of Mr. Boland, Mr. Rooney and Mr. Kolenda as she does not have the history. Mr. Rooney said that no vote would be taken as none was necessary.

**Continued hearing – Capital Group Properties – Earth Removal Permit for Park Central site, 0 Turnpike Road, Southborough MA.** Town Counsel advised that this be moved to the ZBA as it falls under their jurisdiction due to the 40B project.

**Main Street Design Working Group.** Marty Healy, Chairman of the committee, stated that they have been meeting regularly – 20 hours over the last four weeks – and have been doing a brick by brick, foot by foot review of the project, working from west to east. He reviewed their timeline and said that the first public hearing was last night, with a second coming up on Thursday. He said that every opportunity was given to those most affected to provide their feedback. They have not discussed what they will be bringing to the Board or the State. He feels that it has been a productive process, with both negative and positive comments, and will, hopefully, provide a productive report for the Board on June 17, 2014. The Board thanked the committee for their work. Mr. Purple stated that every effort was made to have the meetings taped but that the effort was hampered by a shortage of manpower at cable access.

**Transfer of Package Store/All Alcoholic Beverages License from Bill's Package Store, Inc. to Super Bill's Liquors, Inc., dba Bill's Liquors, 7 Turnpike Road, Saurabh Patel, Manager.** Mr. Patel and his attorney, Arthur Pearlman, appeared before the Board. Mr. Purple read the hearing notice. Atty. Pearlman stated that Mr. Patel would be the sole owner, and that he has family members and friends that work in his four other stores. Mr. Patel will spend no less than 40 hours per week at the store until it is up and running. The store will have the same layout as it currently does, and the hours will be Monday through Saturday from 9:00 a.m. to 11:00 p.m. and Sunday from noon to 7:00 p.m. Mr. Patel has completed AIM certification. When asked if he had ever been in violation of the ABCC, Mr. Patel responded that several years ago an employee at a gas station that he owned sold to an underage customer. Mr. Patel stated that the ABCC did not close the store, but that he did as he felt it was difficult for employees to be vigilant about underage sales as alcohol was not the primary item being purchased. Mrs. Phaneuf asked who would be staffing the store when he wasn't there and Mr. Patel responded that he could bring staff in from his other stores. It was voted unanimously to approve the transfer of the Package Store/All Alcoholic Beverages License from Bill's Package Store, Inc. to Super Bill's Liquors, Inc., dba Bill's Liquors, 7 Turnpike Road, Saurabh Patel, Manager.

## **Reports**

### **Town Administrator**

- At the last meeting Mr. Cimino enquired about the Tuesday late open hours of the Town House. When surveyed, the staff said that they prefer the late Tuesday hours rather than Thursday.
- Boston Regional MPO has the Tip draft available for review, and for public comment.

- An Open Meeting Law violation claim has been received. On discussion it was decided to send it on to Labor Counsel as Town Administrator is listed as a complainant.
- Committee appointments will be on the agenda for the next meeting.

Chairman

- Asked for a moment of silence on passing of Sgt. Ray O'Connell.
- Thanked everyone who helped make Memorial Day a success.
- Metrowest Regional Collaborative Board is meeting in town on June 19.

Mr. Cimino

- The Boy Scouts who normally attend the Memorial Day celebration were in Gettysburg, PA.

Mrs. Phaneuf

- Asked that two letters that were in the Main Street folder be read into the record, as requested in the letters. Mr. Purple read them into the record.

### **CONSENT AGENDA**

1. The minutes of the May 13, 2014 meeting were held to the next meeting.

It was voted unanimously to:

2. Accept the resignation of Kimberly Jordan from the Youth Commission.
3. Accept the resignation of Nicole Neal from Southborough Cultural Arts Council.
4. Accept the resignation of Helen Hamman from the Open Space Preservation Commission.
5. Accept a donation to be allocated to Youth & Family donation Account.
6. Accept a payment in lieu of taxes in the amount of \$40,334.00 from the New England Center for Children, the second half of their annual payment; also accept a donation in the amount of \$6,000.00 for the ladder truck.
7. Accept a payment in lieu of taxes in the amount of \$500.00 from L'Abri Fellowship.
8. Accept a payment in lieu of taxes in the amount of \$30,000.00 from St. Mark's School; also accept a donation of \$10,000.00 for the ladder truck.
9. Accept a donation of \$10,000.00 from Fay School for the ladder truck.

10. It was voted 4-0, Mrs. Phaneuf abstained, to approve the request of Peter Phaneuf to make repairs to the cannon on the Common.

It was voted unanimously to:

11. Acknowledge the resignation of Paul Cimino from the Planning Board. The Board thanked Mr. Cimino for his service on the Planning Board.
12. Appoint Peter N. Tartakoff as Alternate Building Inspector, term to expire June 30, 2015.
13. Approve Emergency Management Preparedness Program Grant funds for Southborough Emergency Management.

### List of documents referred to at 6/3/2014 BOS meeting.

Cemetery

- Discussion timeline
- Letter from Desiree Aselbekian dated May 13, 2014

Earth removal

- Letter from Town Counsel dated May 28, 2014
- Earth Removal Permit timeline
- Letter from Capital Group dated February 11, 2014
- Letter from Capital Group dated March 7, 2014
- Memo from DPW Superintendent dated February 28, 2014

Main Street

- Timeline dated June 3, 2014

#### Bill's Liquors

- Affidavit from Attorney Pearlman
- Notice of Hearing
- Floor plan of store
- Hours of operation
- Manager application

#### Consent Agenda

- Minutes of May 13, 2014 meeting
- Letter from Kim Jordan dated April 26, 2014
- Letter from Nicole Neal dated May 13, 2014
- Letter from Helen Hamman dated May 21, 2014
- Letter from SYFS dated May 12, 2014
- Letter from NECC dated May 15, 2014
- Letter from L'Abri Fellowship dated May 20, 2014
- Letter from St. Mark's School dated May 23, 2014
- Letter from Fay school dated May 22, 2014
- Email from Peter Phaneuf dated May 11, 2014
- Letter from Paul Cimino dated May 12, 2014
- Letter from SEMA dated May 21, 2014

At 8:30 p.m. it was voted by roll-call vote (Mr. Boland –aye, Mr. Kolenda – aye, Mr. Rooney – aye, Mr. Cimino – aye, Mrs. Phaneuf –aye) to enter into Executive Session to discuss a personnel matter, and pending litigation and not to return to Open Session.

Respectfully submitted,  
Mary H. Lowell, Recording Secretary

**BOARD OF SELECTMEN  
MEETING MINUTES  
June 17, 2014  
MCAULIFFE MEETING ROOM**

Present: Bill Boland, Chairman; John Rooney, Vice Chairman; Daniel Kolenda, Paul Cimino, Bonnie Phaneuf, and Mark Purple, Town Administrator.

Mr. Boland opened the meeting at 6:30 p.m.

**Transfer Station Violation hearing.** Austin Beliveau, Jr. and Karen Galligan, DPW Superintendent, were in attendance. Mr. Boland recused himself due to a possible conflict of interest, as Mr. Beliveau has done some work for him. Mr. Rooney, acting as Chairman, opened the hearing. Ms. Galligan explained that Mr. Beliveau had two previous violations, and had received numerous verbal warnings for dumping fencing that was not cut to the proper size so was given a \$100 fine for this violation. Mr. Beliveau stated that he had tools in the truck bed that made it look like a larger load than he actually had, and that the fencing was cut to the proper length. Mr. Rooney requested that Vanessa Hale, Assistant Town Administrator, show Mr. Beliveau video taken from the security cameras at the Transfer Station that show him dumping fencing larger than allowed. Mr. Cimino stated that the video speaks for itself, and that the last piece of fence alone would not have fit in a barrel. It was voted unanimously to uphold the \$100 fine. Mr. Rooney closed the hearing and gave the meeting back to Mr. Boland. Mr. Boland asked if the Board should continue hearing these appeals or should the Town Administrator hear them. Mr. Kolenda was of the opinion that Mr. Purple could readily handle these with someone else sitting in, such as the Finance Manager. Mr. Purple would prefer to do it with someone else, whether it be from the Board or Administration. Mrs. Phaneuf thinks a member of the Board should be present. It was voted unanimously to appoint Mr. Purple as the designee and to have a member of the Board sit in with him.

**Aldo Cipriano, Town Counsel – Gulbankian Land Court matter.** Atty. Cipriano explained that a resolution was agreed upon through mediation, and that the settlement agreement was exact to mediation. The agreement was filed with the Land Court and Judge Gordon Piper wanted to hear arguments. Everything was filed consistent to what the Town wanted but the judge did not want to get into the minutia. He ruled that if the civil assessment was paid then there would be no further action needed.

**Main Street Review Working Group.** Martin Healey, Chairman of the Group, presented the draft report which is available on the Town website. He explained that the report is broken down the way they broke down the process: tried to describe the contours they were looking at; moved to the proposed plan; identified issues and concerns; and gives their recommendations per segment and explains why they reached their decision. There was a lengthy discussion on the intersection of Rtes 85 and 30 as, by Mr. Rooney's calculations, widening the intersection would only relieve congestion for about 6 years. John Butler agreed with Mr. Rooney. Mrs. Phaneuf suggested that the Board adopt the report and send it to the State for their response.

**Joint Meeting with Planning Board to fill Planning Board vacancy.** Don Morris, Planning Board Chairman, said that there are only three Board present as Mr. Mills is unable to attend.

- **Andrew Dennington.** Mr. Dennington grew up in Acton and moved to Southborough recently. He is an Attorney in a Boston law firm but feels that he can balance a commitment to the Planning Board and travel to Boston. He responded in the affirmative when asked by Mr.



Rooney if he understood that free time would be a thing of the past. He has no present conflict of interest, and would consider a position on another Board if not appointed.

- **Jesse Stein.** Mr. Stein moved to Southborough in 2004. He loves the Town and would like to help out the community. He is currently a member of CPC and sees the Planning Board as a good opportunity to grow his service to the Town. He has no conflict of interest. Mr. Rooney said that the amount of work on the Planning Board is ten times that of CPC. Two Planning Board members voted for Mr. Stein and one for Mr. Dennington. Mr. Kolenda and Mr. Boland voted for Mr. Stein. Mr. Rooney, Mr. Cimino and Mrs. Phaneuf voted for Mr. Dennington. Mrs. Phaneuf was concerned about voting for Mr. Stein as he lives in the same neighborhood as two other Planning Board members, and was concerned that they all may have to recuse themselves if a project in their neighborhood came before the Board. The vote was tied at 4-4. Another vote will be taken at the July 15<sup>th</sup> meeting when the 4<sup>th</sup> Planning Board member is present.

**Approve 2014/2015 Transfer Station Rules and Regulations.** Ms. Galligan stated that the only change to the regulations was to the replacement of a sticker if the resident did not have the original sticker and it was going on a new car. She is proposing to make it the cost of a third sticker. She is also proposing to change the date of the increase in sticker fee to after September 15, rather than the current October 1, to make it consistent with the date the stickers have to be in place. Mr. Rooney had a handout on the cost savings seen by Duxbury and Hamilton by going to PAYT, and stated that he was just putting it out there as a big picture thing if the Town is considering going green. It was voted 4-1 (Mr. Rooney – no) to keeping the fees the same as last year except for a replacement sticker if the original is not available and it is going on a new car. Mrs. Phaneuf suggested that the Public Works Planning Board look into the benefit of PAYT as Mr. Rooney has a valid question. She also suggested adding a note to the rules and regulations stating that those using the Transfer Station are on video. The Board was in agreement to adding that note.

**Annual appointments for boards and committees.** A highlighted list of all volunteer members serving on Boards and Committees was prepared for the Board to consider for reappointments. Mr. Purple explained the highlighted names in blue had returned the volunteer form indicating that they wished to continue, names in orange had not returned the volunteer form, names in pink did not wish to be reappointed, and all Town representatives were indicated in white. Mr. Purple made the Board aware that as of this evening, a regular position on the ZBA is open due to Mr. Estella deciding not to seek reappointment. The Board voted 5-0 to reappoint all highlighted names in white and blue, placing a hold on ZBA for discussion. The ZBA Chairman, Leo Bartolini, spoke requesting the two alternates [Paul Drepanos and Lisa Capello] be reappointed to the ZBA and making Ms. Cappello a regular member because of projects currently before the ZBA. After discussion it was voted 3-2 to reappoint both members as alternates, Mr. Rooney, Mr. Cimino and Mrs. Phaneuf – yes, Mr. Boland and Mr. Kolenda – no. The Board will discuss the regular position vacancy at their next meeting scheduled for July 15, 2014. Mr. Bartolini and the Board members thanked Mr. Estella for his service to the town and his dedication to the ZBA.

## **Reports**

### **Town Administrator**

- A financial update for FY2014 was emailed to the Board this afternoon
- Gave an update on the Cemetery Supervisor position
- Received a notice from the Police Labor Counsel re: unionization of Dispatchers
- The Police Chief is looking to sign an agreement with getcrashreports

#### Chairman

- Received email from the Main Street Group re: tomorrow night's meeting with DOT
- Metrowest Regional Collaborative meeting is Thursday at 8:00 a.m.
- Suggested listing times on the agenda items, other than hearings, as approximate and adding "and any new business properly before the Board"

#### CONSENT AGENDA

1. Mr. Boland and Mr. Rooney voted to approve the minutes of the April 8, 2014 meeting, Mr. Kolenda, Mr. Cimino and Mrs. Phaneuf abstained; It was voted unanimously to approve the May 13, 2014 minutes as amended, and the June 3, 2014 minutes as amended.

It was voted unanimously to:

2. Accept a donation of \$100.00 to the Library donation account.
3. Accept a donation of \$50.00 to the Library donation account.
4. Accept donations of \$500.00 and \$750.00 from the Boston Athletic Association to be allocated to the Emergency Management donation account.
5. Award the contract for fuel oil to Falconi Brothers, Inc., 29 Boston Road, Southborough, MA at \$2.995/gallon.
6. Appoint Stephen B. Neivart as a Reserve Officer effective August 18, 2014, term to expire June 30, 2015.
7. Appoint Susan Wood as Administrative Assistant for the Facilities Department.

#### List of documents referred to at 6/17/2014 BOS meeting.

##### Transfer Station Violation

- Disclosure of Appearance of Conflict of Interest – William Boland
- Letter to Mr. Beliveau dated June 6, 2014
- Letter from Mr. Beliveau dated May 7, 2014
- Notice of fine dated April 24, 2014
- Notice of fine dated 4/11/2014
- Transfer Station Issue List
- Email from Karen Figueroa to Jean Johnson dated April 25, 2014

##### Main Street

- Draft report

##### Planning Board

- Town Volunteer Form and resume – Andrew Denning
- Letter and resume – Jesse Stein

##### Transfer Station Rules

- Proposed Rules and Regulations
- Sticker report

##### Annual Appointments

- List of appointments dated June 17, 2014
- Memo from Conservation Commission Administrator dated June 9, 2014
- Email from COA Chairman dated June 10, 2014
- Letter from Stewardship Committee Chairperson dated May 27, 2014
- Email from CPC dated May 28, 2014
- Email from Green Technology & Recycling Committee Chairman dated May 22, 2014
- Email from ZBA Chairman dated June 10, 2014

#### Consent Agenda

- April 8, 2014 minutes
- May 13, 2014 minutes
- June 3, 2014 minutes
- Memos from Library Director dated May 16, 2014 and June 10, 2014
- Letter from SEMA Director of Operations dated June 10, 2014
- Memo from Facilities Manager dated June 11, 2014
- Letter from Police Chief dated June 10, 2014

Meeting adjourned at 10:20 p.m.

Respectfully submitted,  
Mary H. Lowell, Recording Secretary

**BOARD OF SELECTMEN  
MEETING MINUTES  
July 2, 2014  
MCAULIFFE MEETING ROOM**

Present: Bill Boland, Chairman; Daniel Kolenda, Paul Cimino, Bonnie Phaneuf, and Mark Purple, Town Administrator. John Rooney, Vice Chairman, participated remotely by phone per the Remote Participation Policy.

Mr. Boland opened the meeting at 6:32 p.m.

**Acceptance of the Main Street Design Working Group (MSDWG) report.** All members of the MSDWG were in attendance (Marty Healy, Chairman, Claire Reynolds, Sue Baust, John Boland, Brian Shea, Steve Phillips, and John Wilson). Mr. Boland noted a change to page 19 in the report, under Recommendation #1 for Segment E. It was also noted that the total of the consultant fees on page 6 is incorrect, and agreed upon that the detail lines after the last paragraph should be removed. Ms. Reynolds said that she could provide revised copies of the report tomorrow.

The appendices to the report are posted on the MSDWG website (and should be noted in the final version of the report). Mr. Phillips noted that the appendices include the traffic reports, as well as an estimated project cost as prepared by VHB. Ms. Phaneuf would like a full copy of the final report and appendices available in Town Hall, which Ms. Reynolds said she would provide. Mr. Boland would also like to provide a copy of the full report to the State along with the Selectmen's letter.

Mr. Boland made a motion to accept the MSDWG report, as amended, as the final report, seconded by Mr. Kolenda. Motion was approved 5-0-0.

**Comment letter to MassDOT on Main Street Project.** Mr. Purple read from his memo to the Board on suggested content for the comment letter to MassDOT. Mr. Kolenda agreed that any details should be limited until MassDOT provides comment back on the MSDWG report. Mr. Boland generally agreed, as some items such as aesthetics will be approved between the 25% and 75% plans. Karen Galligan, DPW Superintendent, said that MassDOT is expecting the Town to have another public hearing after the State's comments come back. Ms. Phaneuf confirmed that the plan will not advance any further until MassDOT responds. Ms. Galligan said that is correct, but that VHB and MassDOT will continue to review the project in order to provide comments on the MSDWG report. Ms. Phaneuf said that the Working Group should be party to the discussions with the State. Mr. Healy asked for clarification as to how the plan advances beyond the 25% stage. Ms. Phaneuf noted that the Selectmen are in the driver's seat as to how and when the plan advances, and said there has been a lack of consistency throughout the project that needs to be clarified. Ms. Galligan reaffirmed that the plan is stalled at 25% until stated concerns have been addressed. Mr. Kolenda agreed with Ms. Phaneuf. Mr. Cimino clarified that we are "holding", rather than "stalling" at 25%, and that it makes sense to have the Working Group members involved in the discussions of the report with the State. Mr. Cimino also concurred that the letter to the State from the Selectmen should be minimal. Mr. Rooney said that the letter shouldn't focus on items that come after the 25% hearing.

Mr. Rooney said that the Board needs to establish a position with regards to the MSDWG report. Mr. Kolenda said that he agreed with Mr. Rooney's draft of the letter to MassDOT. Mr. Rooney wanted to ensure that VHB can't unilaterally make changes without direction from the Town or the MSDWG. Ms. Galligan confirmed that the decisions are the Town's. Mr. Rooney said the letter should not pick apart

the report issue by issue; the Working Group already did that. Regarding the Working Group's involvement in discussions with the State, Mr. Healy said that the Town may advocate for the changes better than the consultant would. Mr. Boland disagreed, saying that the consultant works for the Town, and they are invested in the project. Mr. Kolenda suggested that the Working Group or a subset be part of the meeting with the State, which Ms. Galligan agreed could happen. Mr. Phillips questioned who is driving the process on this project, as VHB's position on some of the issues is very public and differs with that of the Working Group. Mr. Healy suggested that the Working Group be provided notice of the meeting with the State, meet to assign 1 or 2 members for the meeting, and then report back to the Selectmen or as directed. Mr. Cimino said that the next public hearing would be the culmination of the collaborative process between the State, the Town and VHB. Mr. Kolenda then reviewed the proposed changes to the body of the letter. The version agreed to by the Board is as follows:

*The Town of Southborough's Board of Selectmen would once again like to thank Mass DOT for their participation in the recent hearing and your willingness to understand and appreciate the expressed concerns. We are hereby submitting this letter to become part of the official hearing transcript for the above referenced project.*

*As you know, the Town of Southborough has been working on the design of the Main Street (Route 30) Project for the past 10 years. Past Select Boards supported the project because of the increased safety provided to pedestrians, bicyclists and the motoring public and the residential support for the project resulting from numerous public meetings.*

*The Selectmen, in order to address the issues raised by the residents, appointed a seven person Main Street Design Working Group (DWG) to review the proposed project, make suggestions and raise any concerns with Public Works and the project designers.*

*Attached is the report that the DWG developed from many meetings with Public Works, the project designers, and the residents. The Board of Selectmen endorses the overall report and is interested in working with the project designers to incorporate the suggestions outlined in the report.*

*The Board of Selectmen urges MassDOT to recognize and incorporate into the design the concerns of the residents of Southborough. We would like to have your response to the DWG's report and recommendations as soon as possible.*

*Thank you for considering our concerns.*

Ms. Phaneuf made a motion to support sending the letter as agreed upon from the Board to MassDOT regarding the Main Street project, including a copy of the MSDWG report and all appendices, and further authorizing the Chair to sign the letter on behalf of the Board, seconded by Mr. Kolenda. The motion was approved 5-0-0.

Mr. Boland made a motion to adjourn the meeting at 7:50 PM, seconded by Mr. Kolenda. Motion was approved 5-0-0.

Respectfully submitted,  
Mark J. Purple, Town Administrator

**BOARD OF SELECTMEN  
EXECUTIVE SESSION  
JULY 15, 2014  
MCAULIFFE HEARING ROOM  
17 COMMON STREET, SOUTHBOROUGH**

Present: Bill Boland, Dan Kolenda, Bonnie Phaneuf, Paul Cimino. Absent: Mr. Rooney was absent.

Also present: Aldo Cipriano, Town Counsel, Jay Talermin, Special Counsel, Brian Ballantine, Finance Director.

At 9:34 P.M., the Board of Selectmen voted by roll call vote to enter Executive Session to discuss pending litigation, including how reimbursements shall be disbursed between Northborough and Southborough.

Aswaad: filing agreement for judgment. They wanted a dismissal. Will not re-introduce uses of property. Did agree as part of this matter to pay out a civil assessment today. Site is in disarray. They agreed for a class II license. He has marine repair on the site; town has evidence that marine repair is not prior existing use; would have to go to superior court for an injunction to stop marine repair. He may seek a use variance for ZBA but would limit the time for the variance for 5 years.

A water lien issue is in tax account that must be paid out, have to do this prior to issuing a class II license. Site conditions can be controlled under license requirements.

NS litigation: The town of Northborough said they did not want to compromise the \$1.699 amount and want it in a lump sum and also want interest. They would agree to pay over a period of time.

Could appeal under court judgment for the right to pay it over time, a reasonable result. A final judgment has not been entered yet. N believes statutory formula should still apply. They say you can't make towns liable against each other, that's it's a correction to be made.

We agree on the underlying number, but not the payment process. Our amount of interest continues to grow. \$400K became \$700K issue. We have gone from a \$2.1 to a \$1.7 number. Could be up to \$2.5 with interest.

Jay recommends an offer of \$1.2 or \$100K per year, no interest. Pose it as a final offer but leave it open to more discussions. Mrs. Phaneuf asked how it would be funded? If it is reduced to a judgment, it has to be paid. It could be paid even if it means cutting another budget. Bonnie asked if the E/D account could be accessed? Jay doesn't believe Southborough can pull "our" share out. Can we dictate the use of it? No. Jay will research further. Dan would like to be more aggressive on the number.

Jay: \$1M over time or less if it must be up front. Board authorized a range of \$1M to \$1.3M. He feels he can get judge to say over time vs. lump sum. Could pay in the out years to where it should have been, as a catch up if they have overpaid the first 8 years, or been under reimbursed. Correct to where it should be in the later years. No change in interest, it's a compromise hybrid. \$ 500K up front and then pay \$700K over the remainder. This is what the board is more comfortable with.

Mr. Boland motion to adjourn at 10:24 PM, seconded by Mr. Cimino. Roll call vote unanimous, 4-0-0.

Respectfully submitted,

Vanessa Hale, Asst. Town Administrator

Documents used in the meeting:

- None.
-

**BOARD OF SELECTMEN  
MEETING MINUTES  
JULY 15, 2014  
MCAULIFFE MEETING ROOM**

Present: Bill Boland, Chairman; Daniel Kolenda, Paul Cimino, Bonnie Phaneuf, and Mark Purple, Town Administrator. John Rooney was unable to attend.

Mr. Boland opened the meeting at 6:30 p.m.

**Joint meeting with Planning Board to fill Planning Board vacancy.** Don Morris, Chair of the Planning Board, suggested that they go straight to a vote. Mr. Boland explained that one of the two candidates interviewed at the last meeting had withdrawn. Mr. Boland made a motion to appoint Jesse Stein to the Planning Board to fill a vacancy, effective until the annual election next year. Mrs. Phaneuf said that she had spoken with Mr. Stein and that the issue she had at the last meeting no longer exists. The motion was voted unanimously by both Boards.

**Discussion of Public Safety Building Committee.** Mr. Purple recapped the previous plan and said that he thought the natural progression would be to appoint a committee to look at the site and see if it is feasible. Mrs. Phaneuf volunteered to be on the committee. Mr. Boland has reservations about forming a committee until he knows what the goal of the committee will be, and would like to have the two Chiefs, the Facilities Manager and Mr. Purple look to see if the last plan is feasible before forming a committee. Mr. Purple said that between now and the next meeting the group will continue to meet to come up with a draft charge, to review the prior plan, and will put something on the website to solicit anyone interested on being on the committee.

**Dr. Maureen Dunne, Framingham State University – MERC (MetroWest Economic Research Center) Southborough Employment Report.** Dave McCay, Economic Development Committee Chairman, said that the committee was formed to stabilize the tax base. He said that they have accomplished a number of things in the past year including: creating a brochure and website, starting an aggressive outreach campaign, talking informally with a lot of companies and are working on putting together a business and non-profit summit. Dr. Dunne said that her study had found that employment in Southborough has climbed steadily and doubled between 1980 and 2012; payroll has risen tenfold; wages exceed the nation, state and region; real wages rose 55%, peaking in 2000; business establishments have tripled. She said there is still work to be done, such as: identifying the type of business we want in Town; encourage a culture of customer service by Town officials, boards and committees; a streamlined permitting process; and expanding commercial development in appropriate areas.

**Interviews for Police Officer position.** Chief Paulhus stated that he is hiring one more officer to bring the roster to sixteen. Sixty-three people submitted applications and he is bringing forward the best two.

- **Patrick R. Smith.** Mr. Smith is a twenty-four year old, third generation police officer who currently works for the University of Massachusetts Police Department. He lives in Medford but plans to move to Southborough. He thinks that Southborough is a good fit for him given that it is a small community and he can help more on an individual basis, and can do more personal community policing. He feels his strong points are his personality, approachability, his Transit Police Academy training and his education at Franklin Pierce University. He has no experience with tasers but feels they are a great asset.



- **William J. Recos.** Mr. Recos is thirty years old and currently works for the Town of Barre Police Department. He was married last fall and is currently in the process of buying a house in Worcester. He likes the culture of small towns, so feels that Southborough would be a good fit for him. He trained at the Boylston Police Academy and will continue his education at some point. He feels his strong points are his willingness to learn, not afraid to ask questions and his outstanding work ethic. He thinks that tasers are outstanding when they work.

Chief Paulhus said that, after reviewing the scores given by the Sergeants who interviewed the candidates and speaking with Lt. James, he would recommend Patrick Smith but would be happy with whomever the Board decides on. It was voted unanimously to appoint Patrick R. Smith conditional on all normal hiring procedures, and effective when all procedures are met.

**Police Chief Ken Paulhus, re: Narcan use policy.** Chief Paulhus said that the Governor has declared opiate overdose as a public health emergency. The antidote, Narcan, is now available in nasal spray form, similar to allergy medicine, and can be safely administered by police officers in the hope of saving lives. The program will be overseen by a doctor, and the officers will be trained in the administration of the drug, which has no side effects if used when not needed. It was voted unanimously to authorize the use of Narcan, and to approve police officers carrying and administering the drug subject to Town Counsel reviewing the contract.

#### **Fiscal Year 2015 Appointments.**

- **Constable (term to expire 6/30/15)** It was voted unanimously to appoint Carl S. Anderson Jr., 15 Gilmore Rd, Southborough MA.
- **Green Technology and Recycling Committee (term to expire 6/30/2015)** It was voted unanimously to appoint John Rooney, 35 Edgewood Rd, Southborough MA and Amy Wood, 9 Clifford St, Southborough MA.
- **Zoning Board of Appeals.** Lisa Cappello has been put forward as a permanent member, and Andrew Dennington as an alternate. Mr. Kolenda would prefer to see more than one candidate brought forward. Mr. Purple stated that the position has been advertised and no one else has come forward. Leo Bartolini, ZBA Chairman, said that he had approached a number of people about putting their names in as an alternate member but none were interested. He also stated that, historically, the senior alternate is put in as the permanent member because of the need for an alternate to gain experience. Ms. Cappello, as an alternate, has the experience and currently sits on two major projects. He also said that the position has been well advertised and no one is interested, and that the alternate position is a good fit for Mr. Dennington. It was voted unanimously to appoint Lisa Cappello, 82 Middle Rd, Southborough, Ma to the position of permanent ZBA member, effective for five years. It was voted unanimously to appoint Andrew Dennington, 10 Carolyn Terrace, Southborough, MA as alternate member, with a term to expire June 30, 2015.

#### **Reports**

##### Mr. Boland

- Has been re-elected to the MetroWest Regional Collaborative Executive Board.

##### Mr. Kolenda

- The BBQ held at the Senior Center was a great event.

#### **CONSENT AGENDA**

It was voted unanimously to:

1. Hold the minutes of the June 17, 2014 meeting.
2. Accept the resignation of Jessica Petrie from the Youth Commission.
3. Accept the resignation of Kathleen Curtiss from the Conservation Commission and the Southborough Stewardship Committee.
4. Accept a donation of \$750.00 from the New England Center for Children to be allocated to the Emergency Management Donation Account.
5. Approve recommended Grade changes for DPW staff.
6. Approve Westborough Sprint Triathlon race route – August 17, 2014.
7. Appoint Karen Finelli as Administrative Assistant II in the Building Department.

List of documents referred to at 7/15/2014 BOS meeting.

Planning Board

- Letter and resume – Jesse Stein

Employment Report

- Letter from David McCay – Chair, Economic Development Committee, dated July 9, 2014

Interviews for Police Officer

- Memo from Chief Paulhus dated June 30, 2014
- Letter and resume – William J. Recos
- Letter and resume – Patrick R. Smith

Narcan

- Newspaper clipping
- Policy & Procedure No. 1.22
- Memorandum of Agreement – UMass Memorial Marlborough Hospital

Appointments

1. Letter from Carl Anderson, Jr. dated June 24, 2014
2. Town Volunteer Form – John Rooney
3. Town Volunteer Form and resume – Amy Wood
4. Town Volunteer Form - Lisa Capello
5. Letter of Withdrawal dated June 27, 2014 – Andrew Dennington

Consent Agenda

- June 17, 2014 minutes
- Letter of Resignation dated June 16, 2014– Jessica Petrie
- Letters of Resignation dated June 23, 2014 – Kathleen Curtiss
- Letters from SEMA Director dated June 23, 2014 and July 1, 2014
- Memo from DPW Superintendent dated November 17, 2011
- Event Notification Form and letter to Chief Paulhus - Sprint Triathlon
- Resume Karen Finelli

At 9:35 p.m. it was voted on roll-call vote (Mr. Kolenda – aye, Mrs. Phaneuf – aye, Mr. Cimino – aye, Mr. Boland – aye) to enter into Executive Session per M.G.L. Chapter 30A, Section 21 to discuss pending litigation (Exemption 3), collective bargaining (Exemption 3) and a personnel matter (Exemption 1), the public disclosure of which will have a detrimental effect, and not to return to Open Session.

Respectfully submitted,

Mary H. Lowell, Recording Secretary

**BOARD OF SELECTMEN  
EXECUTIVE SESSION  
July 24, 2014  
MCAULIFFE HEARING ROOM  
17 COMMON STREET, SOUTHBOROUGH**

Present: Bill Boland, Dan Kolenda, Bonnie Phaneuf, Paul Cimino, John Rooney [remote participation].

Also present: Jennifer Burney, Town Planner, Mark Purple, Town Administrator.

The Board voted by roll call vote to enter Executive Session at 6:30pm to discuss the purchase of real property, by which a public meeting would be detrimental to the process.

**Burnett/Garfield House**

Last week a purchase and sale at 84 Main Street expired at Midnight on Friday because Mr. Moss did not fulfill the requirements of the purchase and sale. That P&S is dead and Mr. Moss is out of the picture. Mr. Delli Priscoli [current owner] requested a meeting with the Planner and Mr. Cimino. He felt Mr. Moss was not honest with his decision that the home would be demolished. At this point, he is interested in partnering with the town and other partners. He would live in the home once it's restored.

He wants to establish whether the Town is interested in working on a process, or not.

1. Town purchase development rights
2. Ensure that the building would never be demolished and that town would establish rights of first refusal if sold [no sub-division]
3. Value of development rights is what the property could bring in revenue [\$1.5 million]
4. He would take and invest the money back into the property [house, chapel, barn, gazebo]

Info:

- A. 100 ft wetland setback
- B. 4 parcels proposed by Moss
- C. BOH approved initial plan for septic conceptual design [shared system for 11 bedrooms]
- D. ANR being reviewed by the Planning Bd tomorrow [to sub-divide the property into 3 possibly 4 lots]
- E. It is not listed on the National Historic Register at this time

The Board agreed there is a historic value with the house remaining intact. The objective is to find a partner to fund the preservation of this property; use of taxpayer funds is a last resort. The Board agreed the town should not purchase the property.

Mr. Boland: Mr. Rooney has proven to be a skillful negotiator for the Selectmen in the past. If it's more than two, Mr. Boland feels Mr. Cimino has showed his hand. Mrs. Phaneuf is another option. Mr. Purple and/or Ms. Burney should be there to facilitate the process for the Town. The other side feels comfortable with Mr. Cimino. Mr. Cimino said his passion lies in the effort, he has no pre-conceived notions on how this effort will end. Ms. Burney pointed out that no one has communicated at all with the Historical Commission. Mrs. Phaneuf is in favor of Mr. Rooney and Mr. Cimino serving as negotiators. Does the Planning Board have the ability to deny the application based on the wetlands? That could be an issue. Mr. Rooney and Mr. Cimino working with Mr. Purple and Ms. Burney will assist

the negotiations. Approved by roll call vote. The Board agreed there should be no e-mail communication on the topic. Mr. Rooney asked for a meeting with staff from Fay School and St. Mark's School. "The Town is looking to preserve the property, not purchase it." The Board was informed that there are individuals interested in raising funds to preserve the property. Ms. Burney said she has no issues being involved in the process and will clear it with the Planning Board Chairman.

The meeting adjourned at 7:15 p.m.

Respectfully submitted by Vanessa D Hale, Assistant Town Administrator

Documents used in the meeting:

- None.

**BOARD OF SELECTMEN RETREAT**  
**FAY SCHOOL ADMISSION BUILDING**  
**July 31, 2014**

Present: Bill Boland, Bonnie Phaneuf, Paul Cimino, Dan Kolenda [Mr. Kolenda departed at 6:45 p.m.]. Mark Purple, Town Administrator; Vanessa Hale, Asst. Town Administrator; Jeff Nutting, Facilitator. John Rooney was absent.

The following theories and matters were discussed:

- 3 most important jobs of the board-hire the manager, solve issues that cannot be handled at a lower level, deal with matters that require Board approval statutorily
- You are only a selectman when you are in a public meeting or assigned to speak for the board
- Should write a policy directive on calling manager first to discuss issue/concern
- Understanding the role of the town administrator: develop packet for new board members with handbook, job description of the administrator, etc.
- Discussed how the Board handles a disagreement: some feel the board seems divided to the community. Reading of letters into the record was an example given.
- Continue with status report(s) from the town administrator, move on with issues communicated in e-mail unless the board is required to respond
- Suggested Board liaisons; could be dependent on interests and expertise. Re-visit that with the five member board, discuss by mid-December. Discuss liaison structure in September.
- Number of committees and their structure
- The board should speak with one voice-to the press, on social media, in official capacities
- A primer of dealing with the media was also suggested
- Understanding of revolving accounts and how they impact budget discussions

**ACTION ITEMS**

- Start correspondence reading file in the Selectmen's office
- Need update on the Main Street project and where it resides with DOT; report from working group at August/September meeting
- Report on the transfer station; how it relates to a town wide analysis of building & facilities
- Fall item: frame discussion of how to move forward with a public safety building committee
- Use of school buildings; how debt service correlates-assigned to BOS Chair, Town Admin, School Supt
- Regional agreements: ambulance service, board of health services, or other examples as needed
- Report on goals of each department – re-model town report?
- EDC: the committee is a facilitator, they are ad hoc. What role do the Selectmen play
- Green Community initiatives – use liaison to develop solar sites, stretch code policies, bylaws
- Policy paper on public service standards, employee expectations, customer service [so board can communicate proper culture, how/when to avoid contention and support protocols]

At the next public meeting, the Chairman will report on the discussions and consensus reached at this evening's retreat. The meeting adjourned at 8:30 p.m.

Submitted by Vanessa D Hale, Assistant Town Administrator

**BOARD OF SELECTMEN  
MEETING MINUTES  
AUGUST 6, 2014  
MCAULIFFE HEARING ROOM**

Present: Bill Boland, Chairman; Dan Kolenda, John Rooney, Paul Cimino. Ms. Phaneuf was absent. Mark Purple, Town Administrator and Brian Ballantine, Finance Director, were also present.

The Board opened meeting at 5:00 p.m.

Appointment of Payroll and Benefits Clerk

Mark Purple presented the Board with his recommendation for appointment, and discussed the hiring process that was followed. Mr. Purple said that while the recommended candidate had good experience with benefits and payroll, her customer service skills were what set her apart from the other finalist. Paul Cimino asked if there were any issues with the background check, and Mr. Purple said there were not. Dan Kolenda agreed with the focus on customer service and asked for that focus to continue with all new hires and existing employees.

Bill Boland made a motion to appoint Ashley Tanis to the position of Payroll and Benefits Clerk in the Treasurer's Office, effective August 20, 2014, at a starting rate of \$18.00 per hour. Motion seconded by Dan Kolenda, unanimous vote 4-0-0.

Motion to adjourn the meeting at 5:08 PM by Bill Boland, seconded by Dan Kolenda. Unanimous vote, 4-0-0.

Respectfully submitted,

Mark J. Purple  
Town Administrator

**BOARD OF SELECTMEN  
EXECUTIVE SESSION  
AUGUST 12, 2014  
MCAULIFFE HEARING ROOM  
17 COMMON STREET, SOUTHBOROUGH**

Present: Bill Boland, Chairman; Bonnie Phaneuf, John Rooney, Paul Cimino. Mr. Kolenda was absent. Mark Purple, Town Administrator was also present.

The Board voted by roll call to enter Executive Session at 9:45 p.m. per M.G.L. Chapter 30A, Section 21, and will not be returning to Open Session - issues to be discussed are (1) real property (Exemption 6), as the Chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body, and (2) collective bargaining (Exemption 3).

[REDACTED]

[REDACTED]

[REDACTED]

Burnett House

Selectmen Rooney and Cimino have had discussions with the property owner and toured the property. They will be coming forward to the Board to recommend consideration be given to negotiating a preservation restriction that would guarantee, in perpetuity, the non-demolition of all three structures, the prohibition against the subdivision of the entire property, and the receipt by the town of a right of first refusal on any future sale of the property. Selectmen Cimino and Rooney have been told renovations will take place over 3-4 years. As of now, negotiations on the price have not occurred. The town's assessment of the four lots is approximately \$923,000. The Board agreed to proceed with securing an appraisal of the preservation restriction. Any ultimate agreement will be contingent upon town meeting approval. The Board will need to consider how to fund the purchase of the preservation restriction. The Board discussed having an executive session with members of Advisory, Historical and Open Space, after an agreement on a price had been reached by the Board.

The meeting adjourned at 10:45 p.m.

Submitted by Vanessa D Hale, Asst Town Administrator.

Documents used in the meeting:

- None.
-



**BOARD OF SELECTMEN  
MEETING MINUTES  
AUGUST 12, 2014  
MCAULIFFE MEETING ROOM**

Present: Bill Boland, Chairman; Bonnie Phaneuf, John Rooney, Paul Cimino. Mr. Kolenda was absent. Mark Purple, Town Administrator was also present.

The Board opened meeting at 6:30 p.m.

Main Street Design Working Group

The Board met with the members of the Main Street Design Working Group and staff from VHB. The Working Group was giving an update on the discussion that members of the group and Town Officials had with DOT regarding the Working Groups report. One item that the Department of Transportation [DOT] made clear at the meeting was that the Town needs to iron out the issues that were brought up in the Working Group's Report and in the comment letters from the Public Hearing before the public meeting that DOT recommended having in October. The DOT wants the town to have a plan that is supported by Town Officials at that meeting. Ms. Galligan is seeking comment from the Historical Commission for the record.

Items that were discussed at the DOT meeting, and relayed at the BOS meeting, included whether there could be a grass strip between the roadway and the 5 ft. sidewalk. The DOT wanted to make sure that the Working Group understood that this change creates some grading issues and would require waivers for certain areas. The committee voted 5-1-1 in favor of working with the current design and the Working Group's report to develop a plan that Town Officials will support for the October meeting. Primary concern is minimizing the size of the intersection. Mr. Phillips asked if they lose negotiation leverage by approving a final design now, as there were some issues that may have room for improvement. Signal equipment was also discussed as part of the final design, four different options were presented by DOT.

VHB showed schematic plans and renderings which included:

- Scenarios with school buses, fire apparatus & trailers negotiating the intersection, these scenarios require pulling back the curb line [may include different color/ texture in final design]
- Crosswalk with a pattern or stamped concrete/apron was discussed, marking ADA requirements. A sidewalk at the Community House could be asphalt or concrete
- Operation of the intersection – discussion of whether the intersection is being enlarged for one business doing one particular type of towing
- Vehicle queues: 2011 traffic numbers used; 2014 numbers were conducted to give a comparison to see if there was an increase or decrease. Number of cars stacked up: ranged from 8 to 17 cars in the a.m. and 12-22 in the p.m. Mr. Wilson wanted to confirm that traffic numbers were taken during the school year with both public and private schools in session, this was accurate.
- 2021 projections on future geometry with widened lanes and a left turn lane. The queue length is longer but the signal times have been altered so the wait time is reduced. Most cars stacked are getting through in one cycle. Presently the town has a pre-timed system with no sensors for traffic pattern.
- Mrs. Phaneuf asked if sensors would have to be added to the other intersections in the feeder areas [Framingham Road, Central Street, Firman Avenue]. VHB has looked at the numbers and the State feels the numbers are reasonable, but VHB will examine that.

- Makes the assumption that traffic does not increase any more than 1.5% per year. Mr. Rooney asked for assumptions to be made with development and traffic pattern linearly projected out to 2029.
- Signage will be installed on Main Street [Route 30] at the intersection with Middle Road so drivers can make that turn onto Route 30.

The recommendation, as made by Mr. Healey, the Chair of the Working Group was based on input ranging from what could be done, what may be possible or what will not likely receive a waiver – nothing precluded the committee recommending a revised plan being presented in October, with options presented by the state, notwithstanding the intersection still not being perfect. The cost of the next phase of work for VHB [post the 25% plan being submitted to the State], is unknown. The 75% design means the detailed specs could be developed at that point. VHB will provide an estimate to DPW before engaging in additional work. Mr. Rooney had hoped that the character of the intersection would not be changed even though it requires expansion of lanes and work on sidewalks. He is concerned that the 2029 data will show the back-up is going to be just as long. Thus the increase in the size of the intersection is not going to relieve the back up or the time taken to move through that intersection. He wants to know from the Committee if the intersection will be more functional than it currently is when using the 2029 data, when received.

The state will give VHB the comments and questions from the June public hearing, and then that information will be answered and disseminated to all parties. The Board questioned whether 75% can wait until October. Mr. Rooney wants to make a recommendation to move forward from their report relative to further design changes, and get their input from the questions and answers that will be provided by VHB. The next milestone is the October hearing. Some would like a formal response from DOT to the Board of Selectmen. Mrs. Phaneuf cited a similar project in Weston that appears to have received approval without changing one leg of the intersection; VHB will analyze that project in comparison to Southborough's and determine if a waiver was granted. The Board still seeks clarity on comments and questions from the June DOT meeting. Mr. Cimino wants more clarity, Rooney wants to move forward on the current design. Mr. Rooney wants to know if the town should approach the owner of Ted's to change their route when trailing trailers which may impact the future design of the intersection. Mr. Boland agreed to approach Ted's. The Board authorized this. No official notification has been received for the October DOT meeting yet. Mrs. Phaneuf reiterated her desire for a letter from the state in response to the Working Group's Report. Mr. [John] Boland says the Working Group is only looking for authorization to continue further design, not approve the project tonight. This motion was made by the Board and approved unanimously.

Public Comment: Desiree Aselbekian updated the Board that there are still two vacant seats on the Public Work Planning Board of which she is a member, even though they do have a quorum. Vacant seats are designees from the Planning Board and discussion on those appointments have not taken place yet. She urged the Selectmen to encourage those appointments be made as soon as possible by the Planning Board. Mr. Purple informed the board that item will be taken up at the September 8 meeting of the Planning Board.

Town Administrator Report:

1. Speed limits for Route 85 – Alex Neihaus spoke to the Board of his concerns relative to speed coming south on Route 85 from Marlboro past St Mark's School. There is a sign that was installed for 40 mph which is inconsistent with other signage in the area. He is asking that the 40 mph region be returned to 30 mph due to traffic patterns, speed and heavy trucking. He

suggested the 1981 order be revised to 30 mph in both directions. The Board was advised "Thickly Settled" signs are only advisory. The Board discussed changing the locations of the signage and a potential traffic study.

2. Expansion by two of the Town's current allotted liquor license [Panzano and Sperry's] received approval from the House of Representatives.
3. Improvements are being made to the cable equipment in the meeting room in August

The Board unanimously approved the following items on their consent agenda:

1. Approve meeting minutes from July 2, 2014 and July 31, 2014 [Mr. Rooney abstained from voting on the 7/31 minutes since he did not attend]
2. Sign State Primary warrant.
3. Accept resignation from Raymond Gendreau from Southborough Cultural Arts Council.
4. Appoint Nital Gandhi to Youth Commission, for a term to expire 6/30/17.
5. Appoint Storm D. McGuire to Youth Commission for a term to expire 6/30/16.
6. Appoint S. Michele Simoneaux to Southborough Stewardship Committee as Conservation Commission Representative for a term to expire 6/30/15.
7. Set Fall meeting calendar for September through December.
8. Accept donations of \$150.00 to be allocated to Youth and Family Services.
9. Accept donation of \$50.00 to be allocated to the Library.
10. Appoint Christine M. Johnson to the Southborough Emergency Planning Committee [SEPC] SARA Title III as Public Schools Representative, term indefinitely.
11. Award and sign Grounds Maintenance contract to J & J & Son Lawncare, LLC. Mrs. Phaneuf asked about 24 hour notification; the grounds supervisor will be responsible for notification on burials. In December, the entire contract will be re-bid, inclusive of cemetery grounds and all other town grounds. The Board subsequently approved this contract.

Composition of Economic Development Committee: Originally the composition of 7 members included a selectman, town administrator or delegate and the town planner. There are presently three vacancies. The Board has been concerned that staff member(s) may have to take a vote based on an issue, and then may be in a compromising position if a project before the EDC ends up before their Board. It has been suggested the staff should be ex-officio members. The Board voted to set the committee at 7 with the town administrator and town planner serving as ex-officio members and a selectman remaining as a voting member. The board was asked if an ad hoc committee could have an operating budget. Town Counsel will be consulted. The board also asked that all volunteers who submit an application to serve on a committee be promptly thanked for applying and given an update on their application.

List of documents referred to at 8/12/2014 BOS meeting.

Main Street

- Memo from DPW Supt. dated August 7, 2014

Reports [Town Administrator Report]

1. Route 85 speed limits

- Letter to Alex Neihaus from DPW Staff Engineer, dated August 7, 2014

Consent Agenda

- July 2, 2014 minutes
- July 31, 2014 minutes
- Letter of resignation dated July 2, 2014 - Raymond Gendreau
- Town Volunteer Form and resume – Nital Gandhi
- Town Volunteer Form and resume – Storm McGuire

- Memo from Conservation Administrator dated July 23, 2014
- Memo from Town Administrator dated August 8, 2014
- Letter from Youth and Family Services Director dated July 14, 2014
- Memo from Library Director dated July 21, 2014
- Letter from SEPC Director of Operations dated August 6, 2014
- Letter from DPW Supt. dated August 7, 2014
- Bid specifications and results

The Board voted by roll-call vote [Mrs. Phaneuf – aye, Mr. Cimino – aye, Mr. Rooney – aye, Mr. Boland – aye] to enter into Executive Session per M.G.L. Chapter 30A, Section 21 to discuss (1) real property (Exemption 6), as the Chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body, and (2) collective bargaining (Exemption 3), and not to return to Open Session.

Respectfully submitted,

Vanessa D. Hale  
Assistant Town Administrator

**BOARD OF SELECTMEN**  
**EXECUTIVE SESSION MEETING MINUTES**  
*August 21, 2014*  
**MCAULIFFE MEETING ROOM**  
**17 COMMON STREET, SOUTHBOROUGH**

Present: Bill Boland, Chairman; John Rooney, Paul Cimino, Bonnie Phaneuf, and Mark Purple, Town Administrator. Dan Kolenda was unable to attend.

Mr. Boland opened the meeting at 5:30 p.m. Mr. Boland made a motion to enter into Executive Session for the purpose of discussing 84 Main Street, having determined that an open meeting would have a detrimental effect on the negotiating position of the public body. Seconded by John Rooney, unanimous roll call vote (Mr. Rooney – aye, Mrs. Phaneuf – aye, Mr. Cimino – aye, Mr. Boland – aye).

**84 Main Street (“the Burnett House”).** Mr. Boland asked how an LLC affects the ownership of the property. Mr. Rooney explained that Mr. Jon Delli Priscoli’s (JDP’s) wife is selling the property back to the LLC. Mrs. Phaneuf asked if the property is used as collateral and is defaulted upon, who is first in line to recover their funds? Mr. Cimino said that the Preservation Restriction (PR) would stay in place regardless.

Mr. Rooney and Mr. Cimino updated the Board on the progress of 84 Main Street. The Board unanimously agreed for them to continue their discussions with the owner.

At 6:12 PM, the following members of Community Preservation Committee (CPC) were invited into the Executive Session: Vice-Chairman Mark Murphy, Joe Hubley, Freddie Gillespie, and Jesse Stein. Vice-Chairperson Janet Maney from Advisory Committee was also in attendance. Mr. Hubley is also the Chairman of the Southborough Historical Commission.

Mr. Rooney and Mr. Cimino updated CPC on the status of the discussions regarding 84 Main Street. CPC will schedule a meeting to discuss their position on asking town meeting to use CPC funds for 84 Main Street.

At 7:34 p.m. it was voted on roll-call vote (Mr. Rooney – aye, Mrs. Phaneuf – aye, Mr. Cimino – aye, Mr. Boland – aye) to adjourn the meeting.

Respectfully submitted,

Mark J. Purple, Town Administrator

Documents used in the meeting:

- None.

**Board of Selectmen  
Meeting Minutes  
Town of Southborough, MA  
Tuesday, September 2, 2014, 6:30 P.M.  
McAuliffe Hearing Room, Southborough Town House**

Present: Bill Boland, John Rooney, Bonnie Phaneuf, Daniel Kolenda, Paul Cimino and Mark Purple, Town Administrator.

**I. Appointments**

6:30 p.m. Board conducted interviews for the Economic Development Committee.

- Donald Croatti. Several members thanked Mr. Croatti for his years of service. When asked his greatest strength for the board, he indicated his background in finance, leadership on several boards in Framingham (34 Years) and Southborough, and his long time residency and passion for the town.
- Claire Reynolds. Ms. Reynolds expressed her concern that there was a future night of interviewing (9/23) and would have preferred to make a presentation at that time. After some discussion, Mr. Boland said they would continue the interview now. Ms. Reynolds continued with her presentation/interview to the board. She highlighted the many years she served on the Advisory Committee and other town boards, as well as her keen understanding of town finances, structure of local government and the technical skills she can offer the EDC.

6:45 p.m. Police Chief Ken Paulhus and Lt. James presented information about the use of tasers [ECW Electrical Conduit Weapon] in the department. The Board held an in depth discussion about training, quantity of tasers required, budget and grant opportunities, legal and safety concerns. The Board suggested the Police Chief return for the 9/23 BOS meeting and present further information after review and discussion with Town Counsel, including a budget for equipment and ongoing training. Mr. Purple agreed to contact Atty. Cipriano.

Dr. Momen El Nesr, 3 Nipmuc Lane came forward and expressed his concern about complications from use of tasers with people that may be using alcohol and/or drugs. Mr. Kolenda verified that there is a policy and procedure regarding this issue.

**II. Public Comment**

The Board discussed the status of open space issues surrounding the Barn Hollow development. Residents questioned the letters that have been sent to homeowners regarding the open space and asked if there would be an opportunity for public input and discussion on the issue. The matter was tabled to the September 23, 2014 meeting since it was not on tonight's agenda. Town Counsel will be invited to advise the Board.

**III. Reports**

- Town Administrator Report: Mr. Purple reported the town received a \$133,000 grant for a new generator which will be installed at the DPW. The Board thanked Emergency Management Director, Neal Aspesi for outstanding work and agreed "Every town needs a Neal".

**IV. Consent Agenda**

1. Approve meeting minutes from: July 15, 2014,  
The Board voted unanimously to approve these minutes, 5-0-0.  
  
Approve meeting minutes from: August 6, 2014  
Motion to approve as submitted. Bill Boland, John Rooney, Daniel Kolenda, and Paul Cimino voted yes. Mrs. Phaneuf abstained.  
Vote 4 yes, 1 abstain.  
  
Approve meeting minutes from: August 12, 2014  
Motion to approve as submitted. Bill Boland, John Rooney, Bonnie Phaneuf, Paul Cimino voted yes, Mr. Kolenda abstained because he was not present at meeting.  
Vote 4 yes, 1 abstain.  
  
Approve meeting minutes from August 21, 2014 [Executive Session]  
Motion to approve as submitted. Bill Boland, John Rooney, Bonnie Phaneuf, Paul Cimino voted yes. Mr. Kolenda abstained because he was not present at meeting.  
Vote 4 yes, 1 abstain.
2. Approve website contract for Economic Development Committee.  
Mr. Kolenda made a motion to approve the website contract for Penta,  
Mr. Rooney seconded.  
Vote unanimous 5 yes.
3. The Board voted unanimously to accept the resignation from Denise D. Howard from the Southborough Scholarship Advisory Committee.
4. The Board voted unanimously to appoint John L. Cook, III, 11 Graystone Way, Southborough, MA to the Green Technology and Recycling Committee, term to expire June 30, 2015.
5. The Board voted unanimously to appoint Rebecca Deans Rowe and Michael Weishan to Historical Commission, both terms to expire June 30, 2015.

List of documents referred to at 9/2/2014 BOS meeting.

Appointments

- Memo from EDC Chair dated August 25, 2014
- Letter and email from Donald Croatti
- Volunteer form and letter from Claire Reynolds
- Draft of Electronic Control Weapons Policy from Police Chief
- Taser presentation slides dated August 2014

Consent Agenda

- July 15, 2014 minutes
- August 6, 2014 minutes
- August 12, 2014 minutes
- Letter from EDC Chair dated August 26, 2014
- Letter of resignation from Denise Howard dated August 17, 2014
- Volunteer form from John Cook
- Email from Historical Commission Chair dated August 12, 2014
- Volunteer form, letter and resume from Rebecca Deans-Rowe
- Volunteer form and resume from Michael Weishan

**V. Executive Session**

Mr. Boland made a motion to enter Executive Session per M.G.L. Chapter 30A, Section 21, and will not return to Open Session - issues to be discussed are (1) real property (Exemption 6) and (2) ongoing litigation (Exemption 3), as the Chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body. Motion was approved by unanimous roll call vote: Boland – aye; Rooney – aye; Kolenda – aye; Phaneuf – aye; Cimino – aye.

Respectfully Submitted,

Gail Tannenbaum, Recording Secretary



**BOARD OF SELECTMEN  
EXECUTIVE SESSION MINUTES  
September 2, 2014  
McAULIFFE MEETING ROOM  
17 COMMON STREET, SOUTHBOROUGH**

Present: Bill Boland, Chairman; John Rooney, Vice-Chairman; Dan Kolenda, Bonnie Phaneuf, Paul Cimino, and Mark Purple, Town Administrator.

Mr. Boland called the Executive Session to order at 9:05 PM. The purpose of the Executive Session was to receive an update from CPC on any funding commitment for the Burnett House, and get an update from special counsel on the Algonquin suit.

Mark Murphy, Interim Chair of the CPC, informed the Board that CPC agreed to use up to \$750,000 of available CPA funds toward the purchasing of the development rights for the Burnett House, pending a review of the final agreement. Mr. Murphy also noted that an application needed to be filed in order for a formal decision to be made on the funding.

Jay Talerman, Special Counsel, provided the Board an update on the Algonquin suit with Northborough. Atty. Talerman told the Board that Southborough has a stronger argument with regards to the interest (over 50% chance of success), while Northborough has a better chance with regards to the base issue of Chapter 70 vs. Regional agreement (80-90% chance of success). The form of judgment is due on 9/26, and Atty. Talerman will ask the court to spread out any payments over the remaining years of the bond, rather than lump sum. Southborough would also reserve its right to appeal the decision. The decision on whether or not to appeal did not have to be made right now. Mr. Boland said that he is concerned that the decision will be more far-reaching with respect to the regional budget, and Mr. Cimino said that we should try to limit the scope of the decision. Mr. Rooney felt that at some point, Northborough needs to move off of the \$1.699M number in order to get this done. Mr. Boland asked that Mr. Purple and Atty. Talerman continue to keep Atty. Cipriano apprised of the progress in the case.

Discussion about the Burnett House continued. Mr. Rooney said it would be a tough sell for Town Meeting to pay \$1.3M for "the view". He offered an alternate idea that the Town buy the property for \$1.6M, put a preservation restriction on the property, and then sell it. Mr. Purple noted that you cannot use CPA funds to purchase a property, and then sell it. Mr. Rooney said that the Town should not be in the business of raising funds, and suggested that the Town offer the owner \$750,000 for the preservation restriction.

Mr. Boland made a motion to leave Executive Session at 10:07PM, seconded by Mr. Kolenda. Unanimous roll call vote to approve, 5-0-0.

Respectfully submitted,

Mark J. Purple, Town Administrator

Documents used in the meeting:

- None.

**BOARD OF SELECTMEN  
EXECUTIVE SESSION MINUTES  
September 23, 2014  
McAULIFFE MEETING ROOM  
17 COMMON STREET, SOUTHBOROUGH**

Present: Bill Boland, Chairman; John Rooney, Vice-Chairman; Dan Kolenda, Bonnie Phaneuf, Paul Cimino, and Mark Purple, Town Administrator.

Mr. Boland called the Executive Session to order at 10:24 PM. The purpose of the Executive Session was to discuss the contractual increase for Karen Galligan, DPW Superintendent.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



Mr. Boland made a motion to leave Executive Session at 11:35 PM, seconded by Mr. Kolenda.  
Unanimous roll call vote to approve, 5-0-0.

---

Respectfully submitted,

Mark Purple, Town Administrator

Documents used in the meeting:

- None.

**BOARD OF SELECTMEN  
SEPTEMBER 23, 2014, 6 p.m.  
MCAULIFFE HEARING ROOM  
MEETING MINUTES**

Present: Bill Boland, John Rooney, Bonnie Phaneuf, Daniel Kolenda, Paul Cimino and Mark Purple, Town Administrator

**I. Appointments**

Katelyn Willis, SAM (Southborough, Access Media) Director, presented the new system that was installed in the McAuliffe Hearing Room. She pointed out that there 14 microphones, all new HD cameras, and replaced all equipment on the rack. Charter changing local channels to 191, 192 and 194. Southborough government will be on Channel 192. Thank you acknowledged from all involved. The Board commented they are looking forward to more of the public watching the meetings and encourage more input from the public.

Mr. Boland acknowledged and held a moment of silence for three recently deceased town retirees: James Finneran, police officer, Alice Phillipa from the Senior Center and Peggy Tuttle, 30+ year employee of the Southborough Library, as well as Specialist Brian K. Arsenault, an Algonquin graduate from Northborough who was killed in action in Afghanistan.

**Economic Development Committee Interviews/Appointments**

Mr. Tom Moschos presented his qualifications and stated he is a 2 year resident of Southborough. He works at Commerce Bank as a business lender. He feels that his input based on trying to help businesses grow would be an asset to the EDC. The board inquired about various issues, including why he would be a good candidate and if there is a balance of economic development in a town that still has rural leanings

Mr. Michael Wirtz told the board he is the assistant headmaster of St. Marks School. He explained that his role there, as the person trying to “sell” the value of Southborough both to the families and staff makes him invested in the success and balance of building business development as quality of life in Southborough. There was some discussion from the board about if they felt it was a good idea to have a non-profit organization on the board.

After some discussion about the four candidates for the EDC, Mr. Boland made a motion to appoint Mr. Michael Wirtz and Ms. Claire Reynolds as new members of the EDC committee. Mrs. Reynolds was going to withdraw but was convinced not to do so by the Board. Expiration of the appointments are June 30, 2015.

The board voted to appoint Mr. Michael Wirtz and voted unanimously; Mr. Moschos was nominated for the second seat but the vote failed; a motion was made to appoint Mrs. Reynolds and the voted passed 4-1 [Selectman Kolenda not in favor].

**Transfer of Package Store/ Wine and Malt Beverages License** [Panzano Market, Inc. to Belladora Corp., d/b/a The Vin Bin, 154 Turnpike Road, Richard M. Lombardi, Manager, Pledge of License and Common Victualler License]:

Mr. Lombardi introduced himself as the owner of Belladora. Mr. Purple read into the record the Notice of the Public Hearing. This is the third VinBin location for Belladora. All employees are TIPS certified. He explained that the market would remain the same as it is now, with some minor cosmetic changes. It will continue to serve food, but no more seating than there is now, and no seating outside. After questioning by the Board, Mr. Boland made a motion to approve the transfer of the Package Store/Wine and Malt Beverages License from Panzano to Belladora Corp. The board voted unanimously to approve the transfer.

#### **Discussion of Barn Hollow open space**

Discussion began with Mr. Kolenda stating that he had walked the property and there were no permanent structures or walkways. Town Counsel continued the discussion by reporting his findings and definitions of the law. Various members of the board and the public made numerous comments and voiced their opinions on the present and future situation. Carole Gay read a letter into the record. It was concluded that a proposed draft letter be prepared by Town Counsel and the Building Inspector to the residents of this neighborhood stipulating what would be permitted going forward: The Board agreed the letter [which is not a license] should state that current conditions would be allowed to remain with no additional future encroachment, including, but not limited to items such as no yard waste disposal, no permanent structures, no tree trimming or cutting and that photos should be taken of the properties “as is” for the record. The proposed draft letter shall be subject to approval by the Board of Selectmen at a future meeting.

#### **Public Safety Building Presentation**

Mr. Purple introduced Facilities Manager John Parent, Police Chief Palhaus, Fire Chief Mauro, and Finance Director Brian Ballantine.

A presentation of current conditions at both the fire and police stations were made. After reviewing the presentation, discussion took place about the options available to each department. Mr. Purple and Mr. Parent discussed the option of potentially using a 9 ½ acre parcel owned by the town at 0 Middle Road. After discussion by the board, Mr. Boland and the board suggested they move forward to explore the opportunities and feasibility of a facility on Middle Road.

#### **II. Public Comment:** No public comment

### **III. Consent Agenda**

Mr. Boland made a motion to award a contract for \$23,000 to Gov. HR for a pay and classification study being funded by the Personnel Board. The board voted unanimously to approve.

Mr. Boland made a motion to approve the purchase of tasers by the police department. The board voted unanimously to approve the request from Chief Paulhus. Resident Donna McDaniel expressed concern about the approval of the policy and felt the Board should have spent more time deliberating it and involved the public more in the discussion.

The Board unanimously approved the minutes of June 17, 2014 and September 2, 2014 as amended. Selectman Boland, Kolenda and Rooney voted to approve the minutes, as amended, of April 29, 2014 [Sel. Cimino and Phaneuf were not yet elected].

Mr. Boland made a motion to approve consent agenda items 4-11 as listed below and the board voted unanimously:

- Accept resignation from Arlon Brown from the Zoning Board of Appeals.
- Accept \$133,500 DCR grant for replacement generator at Public Works.
- Approve VHB amendment for Main Street project.
- Appoint Jessie T. Stein, as an ex-officio member, to SHOPC as Planning Board representative, term to expire June 30, 2015.
- Appoint Paul N. Drepanos as a regular member of the ZBA, term to expire 6/30/15.
- Approve "Southborough Unscheduled" on the night of Thurs., March 26, 2015.
- Accept resignation of Joseph Greene from the Board of Assessors.
- Approve Common Victuallers License for J. D. Pizza, Inc., d/b/a Domino's Pizza, 21C Turnpike Road [new owner].

### **IV. Other Business**

Karen Galligan, DPW Superintendent provided a staffing update to the board in which she acknowledged Jim Harding with 43 years of service to the Southborough DPW.

Jim Hegarty told the board that he would like the board to schedule a meeting with Rep. Dykema to discuss a long term lease for the 9/11 field. Mr. Boland and Mr. Rooney will assist. Mr. Kolenda also volunteered to assist.

#### List of documents referred to at 9/23/14 BOS meeting

##### Economic Development Committee

- Letter and resume from Thomas Moschos
- Volunteer form, letter and resume from Michael Wirtz
- Memo from David McCay, EDC Chairman, dated August 6, 2014
- Volunteer form and letter from Claire Reynolds
- Letter and email from Donald Croatti

#### Transfer of Liquor License

- Notice of Public Hearing
- Application for Common Victualler License
- Hours of Operation

#### Public Safety Facility

- Letter from Office of Town Administrator dated September 23, 2014

#### Consent Agenda

- Letter from Personnel Board dated September 19, 2014
- Letter from Police Chief dated September 16, 2014
- Letter from Town Counsel dated September 4, 2014
- Electronic Control Weapons draft policy
- April 29, 2014 minutes
- June 17, 2014 minutes
- September 2, 2014 minutes
- Letter of resignation from Arlon Brown dated August 27, 2014
- Letter from Sarah White, Hazardous Mitigation Grants Supervisor, dated August 27, 2014
- Commonwealth of Massachusetts Contract Form
- VHB Client Authorization dated September 2, 2014
- Letter from Planning Board dated September 9, 2014
- Letter from Zoning Board of Appeals dated September 0, 2014
- Email from Paul Drepanos dated September 8, 2014
- Letter from Youth and Family Services Director dated September 10, 2014
- Letter of resignation from Joseph Green dated September 8, 2014
- Application for Common Victualler License for Domino's Pizza
- Hours of Operation
- Email from Jim Hegarty dated September 11, 2014

At 10:20 p.m., it was voted on roll-call vote (Mr. Boland – aye, Mr. Rooney – aye, Mr. Kolenda – aye, Ms. Phaneuf – aye Mr. Cimino – aye) to enter into Executive Session per M.G.L. Chapter 30A, Section 21, to discuss (1) real property (Exemption 6), as the Chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body, and (2) to conduct contract negotiations with non-union personnel and not to return to Open Session.

Respectfully Submitted by,

Gail Tannenbaum, Recording Secretary

**BOARD OF SELECTMEN  
MEETING MINUTES  
October 7, 2014  
McAuliffe Hearing Room, Southborough Town House  
17 Common St.**

Present: Bill Boland, Chairman; Daniel Kolenda, John Rooney, Paul Cimino, Bonnie Phaneuf and Vanessa Hale, Assistant Town Administrator. Absent: Mark Purple, Town Administrator

**Appointments**

Joint meeting with Board of Assessors to fill vacancy and interview with Jeffrey Klein

Mr. Holmes opened the Board of Assessors meeting. Mr. Cibelli, Principal Assessor, presented the qualifications of the applicant Mr. Klein. Appointment will run until the May 2015 election, at which point Mr. Klein would need to run for the elective term to retain the seat. The Board of Selectmen and the Board of Assessors voted unanimously to appoint Mr. Klein to the Board of Assessors.

The Board asked that a letter of appreciation be sent to Mr. Joe Green.

Class I License – Coast 2 Coast Volvo of Southborough, LLC, d/b/a Volvo of Southborough, 251 Turnpike Road

Mr. Jim Farrell, President of Farrell Volvo since 1981, introduced Mr. David House, of Coast 2 Coast. Discussion included hours of operation, staffing, community participation. Board of Selectmen voted unanimously to approve Class 1 License to Coast 2 Coast Volvo of Southborough, LLC, d/b/a Volvo of Southborough. Mr. Boland read a thank you letter to Mr. Farrell into the record.

**I. Public Comment**

None

**II. Reports**

Chairman, Board of Selectmen: None.

Town Administrator Report: Ms. Hale asked the Board to confirm that they would meet on Dec. 2 to issue annual licenses.

Ms. Hale also informed the Board of a letter received from Dave McCay, Chairman of the EDC, which spoke to the possibility of increasing the number of seats on the EDC to accommodate Mr. Tom Moschos who was interviewed by the Selectmen recently. Motion made by Mr. Kolenda to increase by one the number of seats on the EDC. Mr. Rooney, Mr. Kolenda, and Mr. Cimino voted aye. Mr. Boland and Mrs. Phaneuf voted nay. The motion passed 3-2. Additionally, the Board voted unanimously in a subsequent vote to appoint Tom Moschos to the EDC, term to expire June 30, 2015.



### **III. Consent Agenda**

Meeting minutes: Approve meeting minutes from: August 12, 2014 [Executive Session], September 2, 2014 [Executive Session] and September 23, 2014 [Executive Session). The Board voted to hold the minutes until the next meeting.

The Board voted unanimously to approve the following:

1. Sign State Election warrant.
2. Accept donation to be allocated to the Library.
3. Accept donations to be allocated to Youth and Family Services.
4. Accept resignation of Robyn Stewart from the Southborough Cultural Arts Council.
6. Appoint Timothy W. Martel to the Community Preservation Committee, term to expire June 30, 2017.
7. Approve CIC Stormwater grant through MAPC.

ZBA: Appoint Jeffrey M. Walker as an alternate member of the Zoning Board of Appeals, term to expire June 30, 2015. Mr. Boland suggested they meet Mr. Walker before appointing him so this matter was tabled.

<b><i>OTHER BUSINESS</i></b>
------------------------------

The Board unanimously approved the FY16 Budget Calendar and Mission Statement.

List of documents referred to at 10/7/14 BOS meeting.

Joint Meeting

- Town Volunteer Form. letter and resume from Jeffrey Klein

Class I License

- Letter to Coast 2 Coast from Volvo NA, hours of operation

Consent Agenda

- September 23, 2014 minutes
- Warrant from State Election
- Memo from Library Director dated September 29, 2014
- Payment sheet to Treasurer dated September 26, 2014
- Letter of resignation from Robyn Stewart dated September 26, 2014
- Volunteer form and resume from Timothy Martel
- CIC Stormwater Grant Application
- Letter from Leo Bartolini, ZBA Chairman dated October 2, 2014
- Letter from Mark Purple dated September 23, 2014
- Volunteer form and resume from Jeffrey Walker

Respectfully submitted,

Gail Tannenbaum, Recording Secretary  
Board of Selectmen

**BOARD OF SELECTMEN  
EXECUTIVE SESSION  
OCTOBER 7, 2014  
MCAULIFFE HEARING ROOM  
17 COMMON STREET, SOUTHBOROUGH**

Present: Bill Boland, Chairman; John Rooney, Paul Cimino, Dan Kolenda, Bonnie Phaneuf. Town Counsel Aldo Cipriano was also present.

At 7:50 p.m. the Board voted by roll call to enter Executive Session.

Litigation on Algonquin: Mrs. Phaneuf asked at what point do we make the citizens aware of current negotiations? What can we tell them? Atty. Cipriano agreed that neither side will talk about anything until they come to some resolution. Mrs. Phaneuf would like the Town to make some type of public statement informing the residents and other boards on the status of the case before it comes to a final resolution. Mr. Rooney feels an obligation to let people know there is a 1.6 million dollar judgment out there against the Town. Court said we are not obligated to pay interest and the Board agreed therefor that the 1.6 million could be paid. Mrs. Phaneuf wants to know that it has nothing to do with the FY16 budget. On 11/18, the parties will get together to come out with language for the final judgment. Northborough wants it paid immediately, and we said no. Hearing with judge in November. We wanted to settle for less. Northborough wants \$1.6M right up front. Mr. Boland thinks Atty. Cipriano and Atty. Talerman need to brief each other. The Board assigned Atty. Cipriano to do so.

Mrs. Phaneuf asked why there has been no communication between Attys. Cipriano and Talerman. Atty. Cipriano said that he is now receiving email communication from Atty. Talerman.

Real Property-Burnett property: The appraisal is done, and the value is placed at between \$1.25M and \$1.6M. JDP's appraisal came in at \$2.2M. \$1.6M makes assumption on 4 lots, the lesser amount assumes 3 lots with larger acres. Private fundraisers are now working behind the scenes. Still discussing terms. Mrs. Phaneuf asked who will make application to CPC? Will it be facilitated by the Historical Commission? Mr. Rooney met with CPC and Historical Commission and they are supportive. Both groups are willing to support \$750K at ATM. Application should logically come from Historical and they are discussing that. There are fundraisers that are interacting with the Burnett's, Garfield's, and the private schools first before going to the general public. If significant donations can be secured and it becomes public – hope to be able to tell public what the private donation amount is. Mrs. Phaneuf feels the public thinks the project is dead since they have heard nothing more on the subject, which means the town may be losing ground. Why isn't JDP applying for any tax credits on his own? Mr. Boland suggested a press release that the board is still actively pursuing the project, in conjunction with private fundraising. Mr. Rooney said that right now we could only say he is willing to do a conservation restriction upon the payment of \$1.3 Million.

Gulbankian: Agreed terms of no future bussing on the property. Their language did not meet Atty. Cipriano's approval. We sent him another version for Chapter 184 restriction. Atty Cipriano told the Board he will go back to the original restriction. Will negotiate with them or it's a retained jurisdiction issue for land court. What they signed is unenforceable. Restriction needs to be more conforming to the law.

Meeting adjourned at 8:40 p.m.

Respectfully submitted by Vanessa D. Hale, Assistant Town Administrator.

Documents used in the meeting:

- None.

**BOARD OF SELECTMEN  
TUESDAY, OCTOBER 21, 2014  
MCAULIFFE HEARING ROOM**

Present: Bill Boland, Chairman; John Rooney, Paul Cimino, Bonnie Phaneuf. Daniel Kolenda participated remotely [the Board approved remote participation by a roll call vote].

**I. Appointments**

Package Store/All Alcoholic Beverages License - Eastbrook, Inc., d/b/a Sperry's Liquor and Market: Atty. Brewin explained if the all alcohol license were approved, the beer and wine license for 205 Turnpike Road would be returned. The TIPS class will be held on Sat Oct 25 at 8 am at the site. The Board unanimously approved this license.

**Main Street Working Group – status report**

Martin Healey, Chairman of the Main Street Committee updated the Board on the recent committee discussions of the working group during which the plan alternatives have been evaluated. Last week each segment was voted on by the working group and at the end of the meeting considered what to do with the project as a whole. The working group recommendation was a 6-1 vote to recommend the project go forward with TIP funding, as presented by VHB as the modified plan. The group explained the plan recommendations as follows:

West end to east end-plan adds, or rebuilds, dedicated sidewalk, keeps 11' travel lanes, keeps 4' shoulders or builds them with pavement when necessary; shoulders provide buffers for bike and pedestrian safety. More green space wherever possible throughout the project. Slight modifications where there is not enough width to support paved road, green space and sidewalk, again throughout the project. In those areas the sidewalk is adjacent to the roadway pavement. All sidewalks are still ADA compliant. Utility poles have only been moved when necessary on the revised plan, but all pole locations will need approval by the utility company.

New sidewalk starting at Sears Road on south side of Rt. 30. New drainage will be added, on private property, on west side of Parkerville Road to improve drainage coming from high spots on Route 30. The drainage basin location was vetted prior to the working group being formed. The basin was vetted by the working group.

Parkerville Road up the hill: same as prior sections, provide 11' travel lanes, 4' shoulders and grass between curb and sidewalk where possible. Crosswalk for Fay School will be moved to other side of the driveway (east) from where it is now. Support was 5-2, based on that crosswalk. As modified it will have some lighting, but not a stop light. The nay votes did not see the necessity for including the crossing light in the project now.

Crosswalk-Common Street crosswalk supported 7-0. Sidewalk on north and south side, but with less green space.

Stone marker: Approved 6-1 to keep it where it is. [This will be moved for construction but added back to present site.] There will be some additional maintenance cost for this.

Common St-Pilgrim Church: Support 6-1 allows sidewalk from north end of common and crossing closer to town house and church. Saves green space in front of church and preserves visual aesthetics of the front of the church.

Common to the Library: top of common gets more green space. Dedicated parking spaces added from north of common down to a new green area at east end of common. Net loss of 1-2 spaces but advantages are ADA compliance. 10-12 feet of the common have been given back. Monuments are still preserved. This section was supported 7-0. Mrs. Phaneuf asked for another crosswalk at the exit drive of the town house.

Parking in front of Morris Funeral Home was supported. Parking west of Middle Road towards Fay was not supported [encroachments would have been required for parking here].

Segment I supported 6-1. Community House corner had the greatest radius for Ted's Towing vehicles. Modified drawings reduce size of the footprint. The Department of transportation [DOT] will allow a design change with an agreement by Ted's that they would give notice when the largest vehicle needs to travel through that radius. Allows radius to shrink correspondingly. The intersection has been designed to the smallest dimensions possible in order to accommodate fire trucks and to include left turn lanes.

Stone walls are being removed and re-set across the project.

Segment J: no sidewalks extending up Route 85 beyond the library.

Split 4-3 on no sidewalk east side of Rt. 85 south of the intersection.

School light to be added in front of 3 Cordaville Road?

Sidewalk waivers: DOT will have to grant these throughout project wherever only one sidewalk is proposed. There is a question whether the DOT will grant a waiver in a school zone.

Mr. Kolenda, who was about to board his plane, said he would vote in favor of moving forward with tonight's plan, although no vote was taken prior to the end of his call and departure from the meeting at 7:40 p.m.

Segment K: 6-1 support [in front of public safety] to move sidewalk on south side as far north as possible to allow green space on the north side and south side of the sidewalk. Emergency traffic light will be added in front of public safety driveway. Sidewalk and green on both sides, will lose some trees in this area, but they will be replaced where possible. There is currently a Bus stop proposed in front of fire department. The Town believes this bus stop may be moved to the Library. A crosswalk will be added at School St and Latisquama Roads. There is a stone wall here and a permanent easement, but the Working Group believed that the safety concerns outweigh the easement and moving the stone wall.

The Main Street Working Group voted by 6-1 to endorse project tonight as submitted.

This is still a 25% design plan and there will be a public meeting that DOT will be attending, but it is not a public "hearing." VHB is working with the project manager on an outline of public comments.

Mr. [John] Boland, speaking to the board in his own opinion said there is no alternative on the table except this plan. He felt any other alternative, not part of the TIP, has no funding. Some speakers believed that CH 90 funding was given as a gift to the town and he stated it is not the case, DOT needs to approve all expenditures using Chapter 90 funds. A re-design, using CH 90 funds, would not be significantly different than tonight's plan and would require using CH 90 monies for the next ten or more years.

The road has been failing for many years and resurfacing a road in this condition is a waste of money as it will not last. Roadway paving has little structural strength and repaving does nothing to improve this. He added the strength is in the base.

The Board deliberated the volume of traffic as well as the timing of the other major intersection in town and the hesitation of Mrs. Phaneuf to approve the project tonight. It was noted that waiting time at the intersection will likely double if nothing is done.

Resident comments:

- Decision to be made is whether the project should move forward under TIP funding
- What position will the town and the project be in if this plan does not go forward
- TIP funding is both state and federal funds [Baust]
- If Ch 90 funding were used, instead of TIP, there would be no excess funding for any other DPW projects
- Not at a definitive point yet, the public needs time to review it further [Butler]
- Mr. Morris felt blindsided by the elimination of parking from Middle Rd. west which affects his business; he calls for parking for all along Main Street. He also questioned the status of the road from Middle Road to Route 85.
- Granite curbing along sidewalk or green space? [Murphy] No green space between road, no parking between 85 and Latisquama. There should be more parking downtown.
- Lack of a sidewalk in a school zone is unacceptable [Muggeridge]
- Sidewalk down to Woodward school?

Mr. Boland made a motion to approve as submitted, Mr. Rooney seconded. Mrs. Phaneuf asked to table the vote to the November 18 meeting. Mr. Cimino lauded the Committee for their dedication. Mr. Boland withdrew his motion. Mrs. Phaneuf made a motion to take a vote on the plan on November 18. She encouraged all residents to review the plan and submit comment. All members voted in favor.

Mr. Rooney departed the meeting at 9:15 p.m.

**FY16 Budget – preliminary discussions:** The Town Administrator and Finance Director discussed with the board their thoughts on the state of the Town's finances and discussed the timelines for the FY16 budget as plans progress. Members of the Advisory Committee were also in attendance. It was noted Advisory asked for a level dollar budget and an explanation on any increase in line items. Mr. Shea who is chairing the Advisory Committee this year will decide how the budget documents should be distributed to his committee during the budget cycle. The Board discussed the town administrator presenting the budget report at town meeting. Mr. Hegarty asked the board to review the following before forming a public safety building committee: privatizing ambulance services, regionalizing prisoner holding at night and having a group separate from the building committee making recommendation about the future use of the fire and police station. The Board discussed how the vote of the Personnel Board on the annual merit increase is set and at what point that will be determined.

Affordable Housing Trust: The committee has not met in quite some time. Mr. Boland wants to schedule a meeting and look at utilizing those funds for a future project in the year ahead.

## **II. Consent Agenda**

1. Approve meeting minutes from: August 12, 2014 [Executive Session], September 2, 2014 [Executive Session] and September 23, 2014 & October 7, 2014. [Open Session]. The Board tabled this vote.

2. The Board approved accepting a donation of \$100.00 to be allocated to the ambulance donation account.

### **III. Other Business properly before the Board**

1. The Board voted to call the Annual Town Meeting for April 13, 2015 and open the warrant.

#### **Updates:**

On Clifford Rd, the water appeared to be flowing past driveways and into catch basin during the last site visit. Staff is working with the homeowners who are considering a warrant article for a drainage system.

Mrs. Phaneuf wants a formal statement from town counsel on the process of open space and whether they are allowed to do their own site inspections. Mr. Purple does not believe so since they are an ad hoc committee.

#### List of documents referred to at 10/21/14 BOS meeting.

Liquor License hearing

- Notice of Public Hearing

FY16 Budget

- Memo from Town Administrator and Finance Director dated October 16, 2014

Consent Agenda

- September 23, 2014 minutes
- Letter from Fire Chief dated October 14, 2014

The meeting adjourned at 10:30 p.m.

Submitted by Vanessa D. Hale, Assistant Town Administrator.

**BOARD OF SELECTMEN  
MEETING MINUTES  
Monday, November 3, 2014  
Rooms A&B Cordaville Hall  
9 Cordaville Road  
Southborough, MA**

Present: Daniel Kolenda, Bill Boland, Bonnie Phaneuf and Mark Purple, Town Administrator.

Absent: John Rooney, Paul Cimino.

**Appointments**

Tax Classification Hearing

Present: Mr. Cibelli Principal Assessor and Board of Assessors. Mr. Purple read the notice of the public hearing of 11/3/14 into the record. Mr. Cibelli, Principal Assessor, started the hearing by providing the Board with a chart on several split rate options, the tax rate impact, as well as the effect on the average single family tax bill. A letter dated November 3, 2014 from the Board of Assessors was read into the record. The recommendation of the Board of Assessors was unanimous that the "Town of Southborough continue with a single tax rate. A single rate helps a small town like Southborough attract new business into the community while retaining those already located in the town. Expanding business within the community provides new tax dollars with little impact on costly town services."

Discussion included, town meeting voted unanimously not to support a split tax rate (non-referendum article). Karen Chapman, President, Corridor Nine Chamber of Commerce and Chris Robbins, Economic Development Committee, spoke in support of the single tax rate and thanked the Board for their support. It was a formidable, strategic and fiscally minded vote. Motion was made to set a single tax rate. The Board of Selectmen and the Board of Assessors voted unanimously to support a single tax rate.

**Reports**

Town Administrator Report:

Mr. Purple reported that Jim Hegarty began a dialog with DCR, Representative Carolyn Dykema and the MWRA regarding the 9/11 field. These discussions will continue.

Mr. Purple followed up a request by Mr. Rooney regarding interest of the BOS regarding public participation at Selectmen meetings via internet/email. Discussion included: if this has been done in other towns, does it work, would it work, and how it would be done. Who would be taking the emails during the meeting and would it take away from that person's ability to concentrate on the live meeting. Mr. Kolenda asked Mr. Purple if he would be able to handle this. Mr. Boland felt it was problematic. Mrs. Phaneuf suggested if Mr. Rooney wants public participation via internet/email ask him to take on this project and see if it works on a trial basis. Mr. Purple will follow-up with Mr. Rooney.



## CONSENT AGENDA

### I. Consent Agenda

1. Approve meeting minutes from: September 2, 2014 [Executive Session].
2. Request from Package Store licensees to sell liquor at 10:00 a.m. on Sunday. State approved the sale of liquor on Sundays at 10AM. 5 establishments in Southborough have license and are requesting this approval. They include Mauro's, Bill's Package, Vin Bin, Stony Brook, and Sperry's. The Board voted unanimously in favor.

The Board approved the following items unanimously:

3. Accept resignation of Michael Krausert from the Southborough Cultural Arts Council.
4. Accept resignation of Alexandra DeCollibus from the Southborough Cultural Arts Council.
5. Accept resignation of Brian Ballantine from the Affordable Housing Trust Fund Committee.
6. Accept resignation of Deborah Hart from the Youth Commission.
7. Award contract for Open Space Deed Research and Mapping Project in the amount of \$49,500 to Mass Audubon.
8. Accept payment in lieu of tax of \$46,036.00 from the New England Center for Children, the first half of their annual payment; also accept donation of \$6,000.00 to the ladder truck.
9. Appoint William J. Recos as a Reserve Officer, term to expire June 30, 2015.

## OTHER BUSINESS

The Open Space Preservation Commission filed a Public Records request with the Board to provide all documentation regarding Barn Hollow. Discussion included cost of fees for time and materials to provide all documentation. Ms. Lutrell, OSPC Chair, requested the fees be waived. Mr. Kolenda suggested that whatever the statute provides, that's what he supports. Mrs. Phaneuf asked if fees have ever been waived. Mr. Purple said he did not believe that had been done. Mr. Kolenda reiterated that the statute provides a fee structure and the Board should abide by that. Mr. Kolenda made a motion to charge the Open Space Committee a fee of \$269.62 to cover the cost of time and materials to provide all documentation. The board voted 2 in favor (Mr. Boland and Mr. Kolenda) and one against (Mrs. Phaneuf). Mrs. Phaneuf stated she voted nay to support the Town Administrator's original offer to charge the committee just for the copying charges which amounted to \$147.00.

### List of documents referred to at 11/3/14 BOS meeting.

#### Tax Classification Hearing

- Notice of Public Hearing
- Board of Assessors Tax Classification Package
- Memo from Chris Robbins, EDC Committee dated 10-30-14
- Letter from Corridor Nine Chamber of Commerce dated 10-31-14

## Consent Agenda

- September 2, 2014 [Executive Session] minutes
- Notice from Alcoholic Beverages Control Commission
- Application from Muktesh Corp. dba Mauro's Market
- Application from Super Bill's Liquors, Inc. dba Bill's Liquors
- Application from Belladora Corp. dba The Vin Bin
- Application from Southborough Variety Corp. dba Stony Brook Market
- Application from Eastbrook, Inc. dba Sperry's Country Market Beer & Wine
- Letter of resignation from Michael Krausert dated 10-22-14
- Letter of resignation from Alexandra DeCollibus dated 10-22-14
- Letter of resignation from Brian Ballantine dated 10-24-14
- Letter of resignation from Deborah Hart dated 10-14-14
- Memo from Jennifer Burney dated 10-27-14
- Score sheet from proposers
- Letter from New England Center for Children dated 10-24-14
- Letter from Police Chief dated 10-3-14
- Resume from William Recos

Respectfully submitted by  
Gail Tannenbaum  
Recording Secretary  
Board of Selectmen

**BOARD OF SELECTMEN  
EXECUTIVE SESSION  
NOVEMBER 17, 2014  
CORDAVILLE HALL  
9 CORDAVILLE ROAD, SOUTHBOROUGH**

Present: Bill Boland, Chairman; Paul Cimino, Daniel Kolenda, Bonnie Phaneuf, John Rooney.

Also present: Freddie Gillespie, Chair of the Community Preservation Committee, Joe Hubley, Chair of the Historical Commission.

The Board voted unanimously by roll call vote to enter Executive Session per M.G.L. Chapter 30A, Section 21, and will not return to Open Session - issue to be discussed is (1) 84 Main Street (Exemption 6), as the Chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body.

Mr. Boland called the Executive Session to order at 6:30pm.

**Burnett House**

Selectmen Cimino and Rooney were delegated to meet with Jon Delli Priscoli, the owner of the Burnett/Garfield mansion at 84 Main Street, regarding his interest in saving the property, structures and protecting the non-divisibility of the land. The board was informed the Town's appraisal for a preservation restriction was received for \$1.3 M, ensuring all 4 buildings remain intact or improved; providing the land would never be sub-divided; and the Town would get right of first refusal if the property were sold outside the immediate family.

The Board further discussed using a portion of CPA funds along with potential private fundraising to raise \$1.3M.

Ms. Gillespie told the Board CPC and Historical are aware of preservation restriction discussions, although CPC has not taken a vote yet. Both committees have a willingness to try to save the property. Alternative B could involve the Town purchasing the property and land from the owner, selling the existing mansion and 1 lot to a developer, and converting the 3 remaining lots into a park. A developer would be able to renovate the mansion for condos and potentially affordable housing. That would require the town to purchase the property at a cost of \$1.5M, and then flipping it to a developer to minimize town debt, but 3 lots of parkland would be gained. The mansion would have strict preservation restrictions.

As a board, the Selectmen decided they need to give the public an indication at the public meeting tomorrow night of the status of the property.

With regards to fundraising, the delta between the Town's offer and the Owner's price is about \$700K from CPA and potentially \$600K in donations. The owner has not indicated a desire to

sell to the Town. His appraisal is \$2.1M. A P&S agreement is required to bring the project to town meeting and only the Board of Selectmen can negotiate the purchase of real property.

The Board also considered that a portion of this property will require an easement for drainage on the Main St project. The owner has told Mr. Cimino and Mr. Rooney that he would consider waiving the \$400K for the drainage easement as part of the agreement, and that the fee could be paid by the town in installments.

\$750K of CPC funds were discussed even though no application has been put before them. After examining bonding capacity, CPC may be able to pay off the Chestnut Hill bond early and then take out a new bond for 84 Main.

Mr. Hubley told the Board the town may have opportunity to gain property. Restrictions can be 10-20% of appraisal and he feels \$1.3M is too high. Option B [town purchase] is more palatable. Option A does not provide much access to the public.

Also discussed was what CPC money could fund for other town projects. Mrs. Phaneuf was concerned that if all CPC money was allocated to 84 Main Street than what happens to the public safety building, Cordaville, Fayville or the Arts Center. She doesn't believe there are 3 buildable lots as well as the house lot.

Mr. Boland reiterated the Board needs to determine what their final number is. He says \$750K for a preservation restriction to restrict demolition and development of 3 lots is on the table. It was noted that no lots can be sold without demolishing the mansion. Mr. Kolenda believes the taxpayer should get some benefit, and asked if some of the other projects can be partially funded. There was no support for the \$1.3M offer or the town purchase of the property. Each board member stated what number they could support as follows:

- Rooney \$750K
- Cimino \$875K
- Phaneuf \$600K
- Kolenda \$400K
- Boland \$750K

The Board wanted to know what CPC projects would be delayed if \$750,000 was allocated to the restriction. Other contingencies that should be codified in a written addendum to the P&S include:

- No demolition of existing structures;
- No subdivision;
- Future development rights waived;
- Open space restriction required;
- Public will have limited access;
- All 4 buildings included;

- No cutting of monumental trees, restoration of landscape to 19<sup>th</sup> century appearance;
- Relocate the cottage;
- Town gets first right of refusal after immediate family;
- Historical marker;
- Lighted, tasteful sign;
- Some grounds available for occasional use;
- Agreement to waive \$400,000 Town does not have to pay for the Main St drainage work;
- \$750,000 can only be used for restoration has to be binding. If he doesn't do that work, money should come back to the town.

There was a motion to negotiate a \$750,000 preservation restriction with the above mentioned addendum. Voted 4-1 by roll call vote. Mrs. Phaneuf voted nay. If Mr. Delli Priscoli is not willing to take \$750K, then the town will not negotiate any further. The matter would still require a vote of the CPC Committee.

The previous motion was withdrawn and a new motion was put on the floor for \$750,000 for a preservation restriction at 84 Main Street, contingent upon approval of CPC Committee vote and successful application at town meeting. This is the Town's final offer. Second and approved unanimously.

The Board voted unanimously by roll call vote to adjourn at 8:40 p.m.

Respectfully submitted,

Vanessa Hale, Asst. Town Administrator

Documents used in the meeting:

- None.

**Town of Southborough, MA  
Meeting of the Board of Selectmen  
Tuesday, November 18, 2014, 6:30 P.M.  
McAuliffe Hearing Room, Southborough Town House  
17 Common Street**

Present: Bill Boland, John Rooney, Daniel Kolenda, Paul Cimino, Bonnie Phaneuf and Mark Purple, Town Administrator.

**Appointments**

Transfer of Restaurant/All Alcoholic Beverages License from Yama Fuji, Inc., d/b/a Yama Fuji to Yama Restaurant Corporation, d/b/a Yama Fuji, 162 Cordaville Road, Suite 155, Huafang Chen, Manager.

Mr. Purple read the notice of the public hearing into record. Ms. Chen introduced herself as the new owner/manager. All hours, seating, and business model remain the same. All employees are TIPS certified. All paperwork has been properly filed. Motion to approve Transfer of Restaurant/All Alcoholic Beverages License from Yama Fuji, Inc., d/b/a Yama Fuji to Yama Restaurant Corporation, d/b/a Yama Fuji, 162 Cordaville Road, Suite 155, to Huafang Chen, Manager. The Board voted unanimously in favor to approve.

Update on Public Safety Facility

Mr. Purple, Finance Director Brian Ballantine, Fire Chief Mauro, Police Chief Paulhus, Facilities Manager John Parent briefed the Board on potential plans for a new public safety center. Mr. Ballantine presented a power point presentation showing wetland delineation, with additional site work that may be required. Parcel is approximately 7 acres.

Roadway would be from Cordaville Road; it is too complex to access from anywhere else. No access possible from Middle Road. This plan keeps the transfer station on the site, with a different configuration. It was noted 66% of fire calls are north of Route 9.

Mr. Purple asked if the board wants to consider a new facility, and they replied yes. Some minor repairs to the current facilities are required in the interim.

All the members of the board agreed that a committee should be created to study the building of a new public safety facility.

Mr. Ballantine suggests a 7-member board. 2 Chiefs [Police and Fire], 1 member of Advisory Committee, 1 town official and 3 members of the community.

Name of committee: Public Safety Study Committee.

Board voted unanimously in favor to approve.

Project approval for Main Street reconstruction plan

The Board acknowledged the correspondence from the public has been very positive along with the video being a great tool for the public to understand. The project has been recommended the Main Street Working Group. Mr. Kolenda: Committee did a fantastic job and felt it was time to move forward and take advantage of significant funding from the State.

Drainage on Parkerville Road will go before the Conservation Commission and any abutters will be notified. It was also noted the Historical Commission is satisfied as long

as they are involved. A meeting with DOT will be held in the winter. Then when the planning gets into the “nitty gritty”, will get feedback from public and all town boards and committees.

Mr. Cimino agreed with the Main Street Design Working Group and approved of the 2’ strip of grass between sidewalk and asphalt. Mr. Cimino supports this project moving forward.

Mr. Rooney agrees with Mr. Kolenda in that it will be safer for all. For that reason alone, he supports this.

Mr. Boland stated the participation of the public should be applauded. All of the committees worked tirelessly and it is much appreciated. All committees and public input will continue. He is also in favor.

The Board thanked everyone who participated in this project

#### **Audience Comment**

- Request that library drainage be addressed
- Mr. Steve Morris, owner of Morris Funeral Home has concerns about parking and sidewalks. Mr. Kolenda and Mr. Cimino thanked him for being a town business and worked with the town and will support in all ways possible for parking.
- Brian Shea, Main Street Design Working Group. Easier to approve the parking now, and delete the parking later if need be.

Mr. Boland agrees to try and retain as much of the parking as possible in front of Morris Funeral Home.

Motion to approve the changes from the previous Board of Selectmen meeting 10/8/14- Main Street reconstruction plan. The Board voted unanimously to approve.

Update on 84 Main Street: Mr. Rooney gave an overview and status report on the Burnett/Garfield Estate. The Town received information that the house was under agreement to be sold and sub divided. When the buyer for the property needed an extension, Mr. Delli Priscoli did not grant it, based on the public outcry to retain the property as is. Mr. Cimino and Mr. Rooney have met with the CPA, Historical Committee and numerous other individuals to get this issue before town meeting to keep all structures and land in perpetuity. The intent is that all restrictions would be in perpetuity. Mr. Rooney remains optimistic to present this proposal at the annual town meeting.

Mr. Cimino felt the common goal of everyone in this room is to keep this house upright. Whether that can happen or not, will depend on the town meeting vote. Funding will come from support of the Community Preservation Committee.

#### **Public Comment**

- Jen Fox submitted a petition of over 2,100 signatures to save the house.

- Mr. Delli Prisco thanked Mr. Cimino, Mr. Rooney and Mr. Purple for their assistance. Town owes a great deal of gratitude to the young citizens who galvanized this effort.
- Desiree Aselbekian: Spoke in support of the young people for working so hard and emphasized historical preservation. She listed many associations and offices, none of which have been contacted. She emphasized that if the town is going to consider funding any portion, maybe we should be looking into the various offices to try and come up with financial alternatives. Mr. Rooney explained that they are looking for other ways to fund this through Mass Historical, schools and doing their due diligence.

## **Public Comment**

**None**

## **I. Reports**

- Chairman, Board of Selectmen  
None
- Town Administrator Report  
Last week Mr. Purple attended last MMA board meeting; Current state budget is in deficit. Some gaps in GIC, so we were informed Governor will be coming out with mid year cuts. Keeping an eye on that and letting the board know as we get more information.
- Tasers: Notified from MIIA that a loss control application approved over \$3,000 for training for the tasers.
- Notice from Fire Chief: new brush fire vehicle is just about complete. The two old vehicles will be sold and funds will be returned. Brush 24 and Rescue 25. When new vehicle arrives these two vehicles will be surplus and sold. The board voted unanimously to declare those vehicles as surplus property.
- Next meeting Dec 2. Dec 16<sup>th</sup> is the first night of Hanukah. Recommend the board meet on Monday Dec. 15<sup>th</sup>. Board will report back as to availability.
- Email from Ben Stevens, Trask Development. Ms. Phaneuf recused herself as her son has worked with Mr. Stevens in another town. Completion of Metcalf Lane: Planning Board is holding \$25,000 bond and awaiting as built plans. Since it is winter, Mr. Stevens has asked the board to approve the road so that it can be plowed this winter. Mr. Rooney in favor as long as the residents sign a waiver of liability. Mr. Boland not in favor and stated the town has not plowed unaccepted roads in the past. Mr. Kolenda does not want to set a precedent. If we can come up with another way to make this happen before winter, he would consider it. Mr. Cimino asked Mr. Purple to look into how Ashland worked that out before a street is accepted and report back to board.

## **Consent Agenda**

The board voted unanimously to approve:

1. Accept resignation of Leah R. Alea from Council on Aging [Regular Member] and Southborough Elderly Housing Committee.
2. Accept resignation of Jesse T. Stein from Community Preservation Committee.

## **Other Business properly before the Board**



**None**

**Executive Session**

The Board voted to enter into Executive Session per M.G.L. Chapter 30A, Section 21, and not returning to Open Session - issue to be discussed is to conduct contract negotiations with non-union personnel (Exemption 2).

**Items from meeting packet:**

- All documentation pertaining to the transfer of a liquor license to Yama Fuji, 162 Cordaville Rd.
- Memo on potential site of a new public safety complex
- Comments from the public on the Main St project
- E-mail from developer Ben Stevens on request to plow Metcalf Lane
- Resignation from Leah Alea from the Council on Aging
- Resignation from Jesse Stein from CPC

**Adjournment: The meeting adjourned at 9:00 p.m.**

Respectfully submitted  
Gail Tannenbaum  
Recording Secretary  
Board of Selectmen

**BOARD OF SELECTMEN  
EXECUTIVE SESSION MINUTES  
November 18, 2014  
McAULIFFE MEETING ROOM**

Present: Bill Boland, Chairman; John Rooney, Vice-Chairman; Dan Kolenda, Bonnie Phaneuf, Paul Cimino, and Mark Purple, Town Administrator.

Mr. Boland called the Executive Session to order at 9:08 PM. The purpose of the Executive Session was to discuss the proposed preservation restriction for the Burnett House, and discuss the performance evaluation for the Town Administrator.

**84 Main St**

Mr. Rooney explained the details of the Preservation Restriction (PR) for 84 Main Street, including the price of \$750,000. There is no easement for the Main Street project drainage included, as that was a non-starter with Jon Delli Priscoli (JDP), who wanted to keep the easement separate from the PR. Mr. Boland said that he had a conversation with Bill Pezzoni, JDP's attorney in this case, and Atty. Pezzoni doesn't think the easement will be an issue, as the property will be unbuildable beyond the current structures given the PR. Mr. Boland said he is comfortable with the price tag of \$750,000 for the PR, and believes that JDP will work with the Town on any required easement. Mr. Purple also mentioned that JDP's property is not the sole option for the proposed drainage, and that other options could be used. Mr. Kolenda said he wanted to know the cost for any alternatives for the drainage. Mrs. Phaneuf questioned with the existing easements located on the property are there three additional buildable lots. Mr. Rooney said that the PR wouldn't allow any further development on the property beyond what was already there. Mr. Boland noted that the estimate from VHB for all easements for the Main Street project is \$40,000. Mr. Rooney said that easements have to be approved by Town Meeting, and that they can be taken by the Town by eminent domain for fair market value.

Mr. Kolenda motion to approve the PR at \$750,000, without the easement, with the hope that JDP will work with the Town on the required drainage easement for the Main Street project. Seconded by Mr. Rooney, unanimous roll call vote to approve, 5-0-0. Mr. Rooney will contact JDP, and a joint press release will be crafted to be released as soon as possible.

**Performance Evaluation**

Mr. Purple said that he had reviewed his compilation performance evaluation, and overall was pleased with the comments and scores. Mr. Purple asked for clarification on an incomplete comment under the "Staffing/People Development" section, and after discussion Mrs. Phaneuf said that the comment could be removed. Mr. Cimino clarified his low rating in the "Communications" section, and attributed it to the way the Cemetery reorganization was handled. Mr. Purple said that the goals section for next year was a bit jumbled, and suggested that much of what was there was included in the draft goals included in his self-evaluation. He said he would expand the draft goals to include two more (for a total of five) that covered the sense of the comments from the Board, and the Board agreed.

Mr. Boland asked the Board what they wanted to do with regard to a salary increase for Mr. Purple. Mr. Purple noted that his contract had the same language as the DPW Superintendent and the Police Chief regarding salary increases (no less than the current salary, and any increase is at least equal to the SAP increase but can be more at the Board's discretion). The SAP increase for the year is 3%. Mr. Boland said he was comfortable with 3%, and Mr. Rooney concurred. Mr. Kolenda said that he would like to see

something north of 3% to acknowledge the work Mr. Purple has done over the past year, and spoke about his experience with his company with merit based increases. Mr. Purple noted that this is something he is also in favor of, but that it will take some time given the current Pay and Classification Study. Mr. Kolenda suggested an increase of 3.5%. Mr. Cimino said that, although he is very pleased with Mr. Purple's performance overall, he is not in favor of 3.5% because he feels Mr. Purple should face similar accountability in any salary adjustment for his role in the Cemetery reorganization, as the Board did for the DPW Superintendent.

Mr. Kolenda motion to grant the Town Administrator a 3.5% increase to \$143,893, effective his anniversary date. Seconded by Mr. Rooney, approved by roll call vote 3-2-0 (Cimino, Phaneuf).

Mr. Boland made a motion to leave Executive Session at 9:48 PM, seconded by Mr. Rooney. Unanimous roll call vote to approve, 5-0-0.

Respectfully submitted,

Mark J. Purple, Town Administrator

**BOARD OF SELECTMEN  
EXECUTIVE SESSION MINUTES  
December 2, 2014  
McAULIFFE MEETING ROOM  
17 COMMON STREET, SOUTHBOROUGH**

Present: Bill Boland, Chairman; John Rooney, Vice-Chairman; Dan Kolenda, Bonnie Phaneuf, Paul Cimino, and Mark Purple, Town Administrator. Town Counsel Aldo Cipriano, Special Counsel Jay Talerma, [REDACTED] were also in attendance.

Mr. Boland called the Executive Session to order at 8:30 PM. The purpose of the Executive Session was [REDACTED]; to get an update on the Algonquin lawsuit; and to get an update on the proposed preservation restriction for the Burnett House.

[REDACTED]

Algonquin Lawsuit

Mr. Talerma reviewed the court's direction to the two sides regarding the form of payment, with comment from Mr. Cipriano. Mr. Rooney suggested that the Town offer \$1.5M to be paid back over 8 years at the interest rate that Northborough is currently receiving for their stabilization fund, with both sides waiving their right to an appeal. Mr. Rooney suggested a press release be considered regarding the court's opinion despite the fact that a final judgment had not been issued. Mr. Cimino suggested that nothing be released until it was known what the final judgment is.

Mr. Cimino made a motion to offer Northborough \$1.5M to be paid back over 8 years at the interest rate that Northborough is currently receiving for their stabilization fund, with both sides waiving their right to an appeal. The motion was seconded by Mr. Rooney, and passed on a roll call vote, 4-1-0 (Boland). Mr. Talerma left the meeting at this time.

84 Main Street

Mr. Rooney informed the Board that the draft Preservation Restriction (PR) and contract had been prepared by Mr. Cipriano, and forwarded to Bill Pezzoni on Monday. He suggested that the Board wait to discuss until they see what changes Mr. Pezzoni makes to the documents. Mr. Cipriano said that the Board needs to do a title examination on the property, and the Board directed Mr. Cipriano to have Attorney Scanlon complete the title examination as soon as possible. Mr. Cimino would like Mr. Cipriano to review the letter from the CPC Chair concerning the additional appraisal for the PR. Mr.

Cipriano said he would, and will also call Mass. Historical Commission. Mrs. Phaneuf said she would like the issue of the drainage easement addressed now; Mr. Cipriano said that he will broach that issue with Mr. Pezzoni. Mr. Cipriano said that the issue of eminent domain is not trumped by the PR. Mr. Boland suggested that language be added to the PR that does not allow the PR to preclude the easement for the Main Street project. Mr. Rooney wanted to know the cost of any alternative drainage solutions, as Mr. Purple had said that the DPW Superintendent said that there were other ways to address the drainage that did not involve the property at 84 Main Street. Mr. Purple said he would get that information from the DPW Superintendent. Mrs. Phaneuf asked for a copy of the agreement with Fay to tie into their stormwater system, and Mr. Purple said he would get a copy from the DPW Superintendent.

Mr. Boland made a motion to leave Executive Session at 9:45 PM, seconded by Mr. Kolenda.  
Unanimous roll call vote to approve, 5-0-0.

---

Respectfully submitted,

Mark J. Purple, Town Administrator

Documents used in the meeting:

- None.

**BOARD OF SELECTMEN  
DECEMBER 2, 2014, 6:30 p.m.  
MCAULIFFE HEARING ROOM  
MEETING MINUTES**

Present: Bill Boland, John Rooney, Bonnie Phaneuf, Daniel Kolenda, Paul Cimino and Mark Purple, Town Administrator.

Mr. Boland called the meeting to order at 6:30 p.m.

**Appointments**

Building Inspector – approve fee changes

Mark Robidoux, Building Inspector, presented his amendments to the current fee schedule. The purpose of the changes was to make it easier for residents to apply for and pay for building permits online. Mr. Robidoux said that he had discussed the changes with the builders in Town, and that they had no issues with the new schedule. After some discussion, Mr. Boland made a motion to approve the new fee schedule as presented, effective January 1, 2015. Motion seconded by Mr. Kolenda, and approved unanimously 5-0-0.

Interview for ZBA alternate position

Jeffrey Walker was the sole candidate for the position, after the second candidate did not accept the interview. Mr. Walker said he was opinionated and believed in following the rules. Mrs. Phaneuf asked if he was recruited to be on the Board, and Mr. Walker said that Paul Drepanos had reached out to him about the position. The Chairman of the ZBA had also submitted a letter seeking to have Mr. Walker appointed as an alternate. After some discussion, Mr. Kolenda made a motion to appoint Mr. Walker as an alternate member of the ZBA, with a term to expire June 30, 2015. Motion seconded by Mr. Cimino, and approved unanimously 5-0-0.

Sign annual licenses

Mr. Purple presented the list of licenses that the Board renews annually. He acknowledged the work of Maureen Colleary in the Selectmen's Office for coordinating the process each year. Mr. Boland made a motion to approve the annual licenses as presented, seconded by Mr. Kolenda. The motion was approved unanimously, 5-0-0. Mr. Boland suggested that the Board sign the licenses later in the meeting in order to deal with the rest of the agenda timely.

**Public Comment**

None.

**Reports**

Chairman, Board of Selectmen

Mr. Boland acknowledged the notice of retirement that was received from Town Clerk Paul Berry. Mr. Berry's last day will be February 13, 2015. Mr. Boland spoke about his many years of service to the Town. Mr. Rooney requested that Mr. Berry be asked to come to the next meeting to be publicly recognized for his service. Mr. Boland also discussed the ZBA meeting the following evening regarding the use variance for the Park Central project. He circulated two memos from the Chairman of the Planning Board [Don Morris] to the ZBA seeking to deny the

project and the variance, which the Board had not seen previously as they were received and given to Mr. Boland just prior to the meeting. Mr. Rooney asked if Special Counsel is used for ZBA issues, and when they are normally involved in the process. Mrs. Phaneuf said that the Planning Board usually weighs in at the beginning of the application process, and is concerned with the timing of these letters. Mr. Cimino noted that ZBA is the one that retains counsel. Mr. Rooney is concerned that the Planning Board is concerned that the ZBA is acting outside of their authority, and that counsel should review. Mr. Boland requested that Town Counsel review the information, and that he be asked to speak with the ZBA Chairman (Mr. Bartolini) in the morning. Mr. Cimino also wanted counsel to opine on whether or not the ZBA can layer the two issues. Mr. Purple said he will speak with counsel.

The report of the Chairman of the Board of Selectmen was not addressed and will be at the next Board meeting.

#### Town Administrator Report

Mr. Purple noted that he and Mr. Ballantine will be updating the Board at the next meeting on the FY2016 budget.

#### **Consent Agenda**

Mr. Boland made a motion to approve Items 2-4 of the consent agenda. Motion was seconded by Mr. Cimino, and approved unanimously 5-0-0. Item 5 of the consent agenda was removed as the appointments of Mr. Cimino and Mrs. Phaneuf to the Affordable Housing Trust Fund Committee were considered “as of right” by the Town Clerk, and did not require further action.

Regarding Item 1 (Approval of meeting minutes), Mr. Kolenda asked what the intent of the minutes are in the opinion of the Board. Mr. Rooney said that they should not be verbatim and that they should hit the high points and the votes. Mr. Boland made a motion to approve the September 23, 2014 open session minutes, seconded by Mr. Rooney. Motion was unanimously approved 5-0-0. Mr. Boland made a motion to approve the August 12 Executive Session minutes, seconded by Mr. Cimino. Motion was unanimously approved 5-0-0. Mr. Boland made a motion to approve the October 7, 2014 and October 21, 2014 open session minutes, seconded by Mrs. Phaneuf. Motion was unanimously approved 5-0-0. The November 3, 2014 minutes were tabled until the next meeting.

#### **Other Business properly before the Board**

##### Discuss policy on snow plowing of non-accepted streets

Mr. Purple introduced the topic and consideration for a policy to address the plowing of non-accepted streets, based on a request from Ben Stevens, the developer for Metcalf Lane. The draft policy had been revised by Mr. Rooney to address concerns from his fellow Board members. Mr. Cimino said he wanted to make sure that Planning Board and Public Works conditions were met. Mr. Boland said that he does not agree with the suggested policy, as all developers understand and expect that they will have to plow their roads until they are accepted as public ways by town meeting. Mrs. Phaneuf asked Mrs. Galligan if she was comfortable with the policy and, Mrs. Galligan said she does not think the policy is a good idea. She did note that the DPW does use Metcalf Lane as a turnaround during plowing, as do the buses, because of its location. Mr. Cimino wanted to know who would provide the liability waiver referenced in #4 in

the policy, and Mr. Purple said it would be Town Counsel. Several residents of Metcalf Lane spoke, saying that they think that DPW can do a better quality job of plowing than the developer. Mr. Kolenda questioned why the developer would indemnify the Town if he can pass the responsibility on to the residents. Mr. Rooney said that can only happen if the developer has abandoned the project. Mrs. Phaneuf wants counsel to review the policy, and Mr. Cimino suggested that the policy be withdrawn from consideration at this time to allow for additional review before it is reconsidered for acceptance at the next meeting.

#### Set meeting schedule for December through Annual Town Meeting

Mr. Purple presented the meeting schedule for the Board up to town meeting in April. The schedule follows the 1<sup>st</sup> and 3<sup>rd</sup> Tuesdays, as has been the normal schedule. The Board generally agreed with the schedule as presented, although Mr. Kolenda said he will be unable to be at the December 16 meeting due to a work commitment.

#### Discussion of Special Town Meeting

This item was tabled, as the Board was not prepared to discuss dates, and the issue of the negotiation over the preservation restriction for 84 Main Street was to be discussed in Executive Session later in the meeting.

#### Approve revised charge of Main Street Design Working Group

Mr. Cimino reviewed the changes he had made to the original charge for the Main Street Design Working Group. Mr. Cimino was seeking to have the group continue and have oversight through construction of the project. Mr. Boland said that he doesn't want the group to have oversight, as that is the responsibility of Public Works and the Board of Selectmen. Mrs. Galligan said that she would like to get the input of the group, and has concerns with the word "monitor". Mr. Cimino said that it was not his intention to give away power, and he suggested that the matter be continued to the December 16, 2014 meeting.

#### 84 Main Street

Several residents asked questions pertaining to 84 Main Street negotiations, and whether or not a date had been set for a special town meeting. Mr. Boland said that a date had not been set yet, but that everything was still moving toward the issue being brought before a town meeting.

Mr. Boland made a motion to enter into Executive Session per M.G.L. Chapter 30A, Section 21, and not return to Open Session - issues to be discussed are (1) real property (Exemption 6), as the Chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body; (2) to discuss strategy with respect to collective bargaining and litigation as the Chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body. Motion was seconded by Mr. Kolenda, and unanimously approved by a roll call vote, 5-0-0.

The Board moved into Executive Session at 8:30 PM.

Respectfully submitted,

Mark J. Purple, Town Administrator



**BOARD OF SELECTMEN  
EXECUTIVE SESSION MINUTES  
December 16, 2014  
McAULIFFE MEETING ROOM**

Present: Bill Boland, Chairman; John Rooney, Vice-Chairman; Bonnie Phaneuf, Paul Cimino, and Mark Purple, Town Administrator.

Mr. Boland called the Executive Session to order at 9:20 PM. The purpose of the Executive Session was to get an update on the proposed preservation restriction for the Burnett House.

Mr. Rooney informed the Board that Jon Delli Priscoli (JDP) will be seeking a use variance for 84 Main Street from the ZBA in order to operate a bed and breakfast at some point in the future at that location. JDP will be applying for this variance prior to the approval of the preservation restriction (PR). JDP has indicated that the use variance is a central part of his position, and if not issued, it would be a "deal breaker." Mr. Rooney and Mr. Cimino told JDP that he will have to apply to the ZBA for a use variance as the BOS has no jurisdiction over any such zoning change. Mr. Boland asked if there was any timeframe by which the variance must be used, and Mr. Rooney indicated that it is JDP's position that it is a condition precedent to his signing the PR. Mr. Boland said the timing of this needs clarification, and Mr. Cimino said he would check with JDP's counsel.

Mr. Cimino made a motion to leave Executive Session at 9:35 PM, seconded by Mr. Rooney.  
Unanimous roll call vote to approve, 4-0-0.

Respectfully submitted,

Mark J. Purple, Town Administrator

**BOARD OF SELECTMEN  
MEETING MINUTES  
December 16, 2014  
MCAULIFFE HEARING ROOM**

Present: Bill Boland, Chairman, John Rooney, Bonnie Phaneuf, Paul Cimino and Mark Purple, Town Administrator. Selectman Kolenda was absent.

Town Website: The Board received a presentation from Millard Ross at Virtual Town Hall. The vendor provided an overview of the VTH website product and what components differ from the Town's current website. The Board was very pleased with the ability to create additional virtual services. Pricing is all inclusive and is a fixed amount based on the model chosen. Mr. Ross noted he has never charged a client in 8 years for more than his original quote. Alex Neihaus, representing the Town Technology Committee, spoke about his concerns with this model; specifically, the drupal open source management system, the ability for employees to manage technical responsibilities to keep their department site updated, mobile accessibility and limits of the system. He reiterated that he fully supports the need to upgrade the town website. Mr. Purple noted there is no funding in this fiscal year, so a transfer from the Advisory Committee would be required or a request for funding in FY16. The Board was supportive of moving forward with this project.

Fuel Storage License: An application from 34 St. Martin Drive, Southborough to amend the existing license was presented before the Board. The property manager was present asking to increase the amount of diesel to be stored and to change the license from the tenant name to ownership name. The tenant needs additional generators on site for an increase in fuel storage. Four diesel generators are licensed presently. The owner wishes to add 4 more generators. Chief Mauro wants to limit to generator size to 3,350 gallons per generator. There was a move to amend the license to increase capacity to 36,500 with an aggregate capacity of 11 tanks [10 at 3350 each and 1 at 3,000], as referenced in the Dec 9<sup>th</sup> letter from Chief Mauro. The motion was approved unanimously.

Fiscal Year 2016 Budget update: Finance Director Brian Ballantine provided a brief overview of the state of finances for FY16 and spoke about the following:

- Total revenue increase of \$1.75M
- \$425,000 new growth
- \$421,000 available from free cash
- Local aid is project to be level funded
- Operating budget requests up 3%
- Capital requests up almost 11%
- K-8 estimated at 4% [no data from the school department yet]
- Average proposed residential tax increase of 5.42%
- Cuts of \$875,000 necessary for same tax increase as current year
- OPEB, now in benefits budget, budgeted for \$250,000 [total liability is \$25.4 million]

The 5.42% tax increase, compared to FY15, was about 4% last year when initial submissions were filed. The Board further discussed level funded budgets and why staff was being asked to provide those numbers. A zero based budget would take all budgets back to zero and build them back up again from scratch. Department services were also discussed. Mr. Rooney wants a budget that is reflective of a level of service departments feel they need to offer.

**Public Comment**-no public comment.

## Reports

Chairman, Board of Selectmen: Mr. Boland said the board completed the Town Administrator's review with the help of Mr. Millholland of the personnel board and found excellent overall performance and determined they were very pleased.

Town Administrator Report: Mr. Purple reviewed the list of draft articles for the Annual Town Meeting. He also asked the Board to advise if there were other articles they would like to discuss in future meetings.

## Consent Agenda

The Board voted unanimously to:

- Approve meeting minutes from: November 18, 2014 [Executive Session] and December 2, 2014, as revised. The Board agreed the minutes should say "item listed on agenda was not addressed and will be discussed at the next meeting. Approved as amended.
- Accept payment in lieu of taxes donation of \$21,000 from Harvard.
- Approved the Waste Management contract renewal.

*Mr. Rooney asked for an explanation of the amendment from Ms. Galligan. She explained Waste Management wants to be assured of 2/3 of tonnage as a minimum. She further added the Jan 21, 2018 reference is an opt out date and the town would not pay any fees if the partnership ended at that time. If it ended before that date, there would be a penalty.*

- Award contract for transfer trailer.
- Approve requested DPW employee grade changes.

*Mr. Cimino asked about deltas of hourly rates of positions being discussed, the rates were provided by Ms. Galligan. Mr. Rooney asked if change impacted anyone's job or responsibility that were discussed last year and it does not. She clarified that the vacancy created from a retirement in October is not intended to be backfilled, but the work is being spread across the department. [The Supervisory position is being filled].*

### I. Other Business properly before the Board

#### II. The Board voted unanimously to:

- Award contract for the affordable housing plan update.
- Approve revised charge of Main Street Design Working Group. Mr. Cimino provided some edits which the committee has reviewed. The Board approved the version as presented this evening.

The Board discussed the following matters:

- Policy on snow plowing of non-accepted streets.

There is a statute that designates plowing roads that are not yet deemed public. Mr. Rooney would prefer to discuss this item at a later date, after a legal opinion has been received, as he doesn't feel it applies to the current situation with Metcalf Lane. The Board voted 3-1 to delay the policy. Mr. Cimino voted nay.

- Set date for Special Town Meeting. It was reported that negotiations with owner of 84 Main Street continue and are productive. Mr. Boland felt if the meeting can't be scheduled by early February, it should be held for the annual town meeting. The Board will continue to work toward scheduling the necessary hearings to be ready for the annual town meeting. An application to the Community Preservation Committee for a preservation restriction at 84 Main Street is being prepared.
- The Board tabled review of a charge for Public Safety Study Committee.  
List of documents referred to at 12/16/14 BOS meeting.

Fuel Storage License

- Notice of Public Hearing
- Letter from Fire Chief dated December 9, 2014

Budget Update

- Memo from Town Administrator and Finance Director dated December 12, 2014

Consent Agenda

- December 2, 2014 minutes
- Letter from Harvard Medical School dated December 8, 2014
- Memo from DPW Superintendent dated December 8, 2014
- Copy of first amendment for Waste Management contract
- Letter from DPW Superintendent dated December 8, 2014
- Transfer Trailer Bid Results
- Letter from DPW Superintendent dated December 11, 2014

Other Business

- Memo from Town Planer dated December 12, 2014
- Draft of Snow Plowing Policy of Non-accepted Streets
- Draft revision of Main Street Design Working Group charge

The Board entered Executive Session at 9:15 p.m. per M.G.L. Chapter 30A, Section 21, and not returning to Open Session - issue to be discussed is real property (Exemption 6), as the Chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body.

Submitted by Vanessa D. Hale, Assistant Town Administrator.

**BOARD OF SELECTMEN  
MEETING MINUTES  
Monday, December 29, 2014  
Town House, 2<sup>nd</sup> Floor  
17 Common Street  
Southborough, MA**

Present: Bill Boland, John Rooney, Paul Cimino and Mark Purple, Town Administrator.

Absent: Dan Kolenda, Bonnie Phaneuf.

Mr. Boland called the meeting to order at 8:02 AM.

**Consent Agenda**

Mr. Boland made a motion to approve the Consent Agenda, the sole item of which was the renewal of the Class I license for Coast 2 Coast Volvo of Southborough, LLC d/b/a Volvo of Southborough, 251 Turnpike Road, seconded by Mr. Rooney. Motion passed by unanimous vote, 3-0-0.

**Other Business**

Mr. Purple brought up the issue of the Selectmen's email address as raised by Mr. Cimino. Mr. Boland provided a history of the email address [selectmen@southboroughma.com](mailto:selectmen@southboroughma.com). Mr. Cimino was concerned that an email sent to the email wasn't going directly to Selectmen, but instead was sent to the Town Administrator, would eventually become problematic when the Selectmen did not receive an email that it was assumed by the sender that they were seeing. Mr. Cimino pointed out that there had not been any issue to this point; he was only looking at potential future issues. Mr. Rooney thought that the email should be changed to [townadministrator@southboroughma.com](mailto:townadministrator@southboroughma.com), as that more accurately reflected what was currently happening, and that it would be up to Mr. Purple to address the issues and forward to the Selectmen as needed. Mr. Boland said that if you remove "selectmen" completely from the email address, then people will complain. Mr. Purple suggested [selectmensoffice@southborough.com](mailto:selectmensoffice@southborough.com) as a compromise. Mr. Cimino said that should the email be changed, the old email needs to be forwarded to the new one for a period of time. Mr. Purple said that the web page for the Board of Selectmen would need to be changed to reflect the new address, and remove the individual links to each Selectman, which go to the same address. Mr. Cimino made a motion to change the [selectmen@southboroughma.com](mailto:selectmen@southboroughma.com) email to [selectmensoffice@southboroughma.com](mailto:selectmensoffice@southboroughma.com), and have it directed to the Town Administrator and/or his designee(s) as he sees fit. Motion was seconded by Mr. Rooney, and passed unanimously, 3-0-0. Mr. Purple will implement the change as soon as possible.

Motion by Mr. Cimino to adjourn the meeting at 8:30 AM, seconded by Mr. Rooney. Motion carried unanimously, 3-0-0.

Respectfully submitted,  
Mark J. Purple  
Town Administrator